

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
FOURTEENTH DAY
AUGUST 26, 2003**

**MEETING HELD AT THE EVANS K. GRIFFING COUNTY CENTER
IN THE LEGISLATIVE AUDITORIUM
300 CENTER DRIVE, RIVERHEAD, NEW YORK**

MINUTES TAKEN BY

LUCIA BRAATEN, COURT REPORTER

[THE MEETING WAS CALLED TO ORDER AT 9:37 A.M.]

D.P.O. CARACAPPA:

Henry, please, call the roll.

MR. BARTON:

Good morning, Mr. Chairman.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Here.

LEG. GULDI:

(Not Present)

LEG. O'LEARY:

(Not Present)

LEG. VILORIA-FISHER:

Here.

LEG. FOLEY:

(Not Present)

LEG. LINDSAY:

Here.

LEG. FIELDS:

(Not Present)

LEG. ALDEN:

Here.

LEG. CARPENTER:

Here.

LEG. CRECCA:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:

(Not Present)

LEG. BINDER:

(Not Present)

LEG. TONNA:

Here.

LEG. COOPER:

(Not Present)

D.P.O. CARACAPPA:

Here.

P.O. POSTAL:

(Not Present)

LEG. O'LEARY:

Here.

MR. BARTON:

We have 11 present.

D.P.O. CARACAPPA:

Okay. We have a quorum. I'd like to ask everyone to stand for a salute to the flag, led by Legislator O'Leary.

(Salutation)

I ask everyone to continue to stand. Legislator Bishop?

He's not here. But we do have a guest clergy from, actually, Presiding Officer Postal, Bishop Darren F. Allen, Sr., of Salvation and Deliverance Church, the Salvation Deliverance of Wyandanch, and he formerly served as an outstanding law enforcement professional. And, in fact, he was the youngest member of the New York Police Department. And after reaching the rank of Lieutenant, he suffered an injury, retired from the Police Force and began pursuing a full-time ministry. Bishop Allen sits on the National Board of Bishops, is General Secretary, and is a member of the Long Island Full Gospel Ministers Conference. He has served as Pastor of Salvation and Deliverance Church for a number, too, in Wyandanch since 1996. Perhaps his greatest skill is his street ministry. And we're very honored to have him here today.

BISHOP ALLEN:

Thank you. First, let me thank you so much for inviting us to this wonderful occasion of the Legislature. We salute each and every one of you. We thank you so much for your support for Babylon, for Wyandanch and for Suffolk County. We're going to pray today that the Lord will continue to bless in these turbulent times that we live in, that God would show grace, and the fact that we're in war and there are so much dilemmas and troubles in the land. Many of the

fellow officers that I served with are over in Iraq and Afghanistan, and we're asking that the Lord would touch them.

Let us pray. Father, we thank you for this gathering of the Legislative body today, to our elected officials for this great County of Suffolk County. We're asking you to touch each and every one that is here, every visitor, every member. We ask that you would shine your light upon each and every one, to the Presiding Officer, Maxine Postal. We ask you to touch her today, oh, God. And you know every circumstance and situation, and we ask that you would heal in the name of Jesus. We ask that you would just intercede and bind every negative thought, every trouble that she's going through, God, that you would fix it.

We also ask that you would touch each and every one here today, for we know that there is nothing that you cannot do. We ask that you would touch this land, touch New York, as we're in a physical crisis now. Touch this County, this Long Island region. We need you today, for you said, "If my people, which are called by my name, shall humble themselves and pray," and seek your face and turn from our wicked ways, you said you would hear from heaven, forgive sin, and heal our land.

Lord, let us continue to know that this land is your land, and without you, we can doing nothing. That's why we said in God we put our trust. Lord we ask in you that we continue to look upon you and you would look upon us and keep us in perfect peace, as our mind continue to be stayed on you. This is our prayer this morning, in Jesus name. Amen. God bless everyone. Thank you so much.

D.P.O. CARACAPPA:

Thank you so much, Bishop Allen. Everyone, please remain standing. I'd like to introduce Legislator Vivian Vilorio Fisher for -- to introduce a young lady who will perform The Star Spangled Banner. Legislator Vilorio-Fisher.

LEG. VILORIA-FISHER:

Thank you. Each year, Legislator Caracappa and I, and formerly Legislator Haley, gave a great deal of a support to the Sunshine Center, because they do such great work there. This summer I was there for their celebration and heard the wonderful voice of this young lady, Rosemary McDonough, singing The Star Spangled Banner. She left such an impression on everyone there, that at the end of the ceremony, I asked her if she would come and sing today with us. And so I

give you Rosemary McDonough.

(Applause)

[Rosemary McDonough Performed The Star Spangled Banner]

(Applause)

LEG. VILORIA-FISHER:

Rosemary has never had a voice lesson.

D.P.O. CARACAPPA:

I think they're having casting calls for American Idol in Manhattan today, so someone from the staff, just put her in a car and get her out there right away. Okay. Everyone, please be seated. Thank you, that was beautiful.

At this point in time, I'd like to recognize, for the next couple of minutes at least, Legislator Angie Carpenter. Those of you who don't know, this month we recognize our Volunteer Firefighters and EMS personnel throughout the County, and each and every Legislator has chosen a member of their respective district, or a person from one of the departments in their district, to be honored today. So I will turn it over now to Legislator Carpenter.

LEG. CARPENTER:

Thank you very much, Deputy Presiding Officer Caracappa. I have a list of the recipients, and they are being read into the record, and they will be part of our minutes, as long as the minutes are kept for this County, so --

LEG. FOLEY:

Verbatim.

LEG. CARPENTER:

-- that in itself I think -- and verbatim, right. That, I think, is a very meaningful thank you. And I'm sure that each Legislator will be handling it how they see fit in their -- in his or her Legislative District.

So let us begin with Legislator Guldi, who is recognizing Damon Paul Vogel from the Eastport Fire Department.

Legislator O'Leary is recognizing Chief Bill Biondi of the Mastic Beach Fire Department. And it's interesting to know that Chief Biondi has served Mastic Beach community and the Smith Point County Park as a firefighter for the last 32 years. He served as Chief of the Department from '87 to '88, was returned in '98. The Chief has been involved in the development of the first Scuba Team and Ambulance Company. He's a true leader and invaluable to the public safety of the community of that district.

Next, Legislator Caracappa is recognizing Lieutenant Dan Coffey, who's a 14-year veteran with the Farmingville Department. On August 3rd, Lieutenant Coffey was the first person to respond to a car accident on Horse Block Road, where a car was engulfed in flames, and with the help of Assistant Chief Bob Wallace, was able to pull the driver, Sean Ryan, out through the window while battling the blaze with a fire extinguisher. Lieutenant Coffee was treated for minor burns and exposure, but has since recovered. The gentleman that was rescued is in stable condition, but has a long road to recovery. If not for Lieutenant Coffee's quick response, this accident may have been tragic.

Legislator Alden is recognizing Lieutenant David Halderman, who was originally from Brentwood. Lieutenant Halderman was a New York City firefighter of Squad 18 and a nine-year veteran to the force. He died in the September 11th terrorist attack on the World Trade Center while assisting in rescue of those trapped inside the building.

Legislator Carpenter is recognizing Ian Levine and Franklin Silsdorf from the Ocean Beach Fire Department. Franklin has been with the Department since 1997, has been chief of the Department since 1987. Ian has been with the Department for many, many years, and was very instrumental in the "Few Good Neighbors" campaign in helping encourage volunteers throughout this County, and single-handedly constructed a kiosk that was at the mall in Bay Shore for about eight months and was responsible for about 50 volunteers signing up.

Legislator Crecca is recognizing Jack Gallagher. Mr. Gallagher is a 66 year old Hauppauge resident who has served as 25 years -- for 25 years as an EMT, and with the Hauppauge Fire Department for 32 years, and he is still active as a volunteer.

Legislator Nowick, recognizing Robert McGovern from the Saint James Fire Department. Robert is the Chairperson of the Fire Prevention Committee, and has dedicated numerous hours to help train members of the community in fire prevention. He and his fellow officers have provided training to residents and children and senior groups. Firefighter McGovern's dedication is an inspiration to all who are considering a career in firefighting.

Legislator Bishop is recognizing Ex-Chief Anthony Minitte, Sr. Mr. Minitte is 77 years old seven. He still comes down to many calls. He drives the ambulance and the fire police vehicle, even though he has to go to dialysis three days a week. He really is a true inspiration to us all. And I think this gentleman particularly shows that if you want to give back and you want to do for your community, there's no reason why you can't find a way to give back, and I think he certainly exemplifies that.

Legislator Postal is recognizing Ron Lopez, who has been an extremely dedicated member of the Wyandanch/Wheatley Heights Ambulance Corps for five years. He is an EMT certified for critical care. He's currently their Motor Vehicle Officer, and last year was a Member of the Year.

Legislator Binder, recognizing Richard Sorrentino, a member of the Dix Hills Fire Department since 1968, and currently the recruitment officer. Richard has a special way when it comes to recruiting new members. He reaches out to young and old, and has a unique and genuine way about him.

Legislator Tonna is recognizing Brian Canty, a member of the Huntington Community First Aid Squad since '87. He's held many positions within the department. He's been their Infectious Control Officer since '97, Chief Advisor to the Post since '97, and the editor of their monthly newsletter.

Legislator Cooper is recognizing Ferd Newman, who's an active member of the Huntington Community First Aid Squad since 1975, and after 25 years of service, his dedication to the public is still strong. In 2002, he served 961 hours of time and answered 400 calls. His devotion to the community certainly has set a standard for many to follow.

Legislator Fisher is recognizing Erika Schaub, who's a volunteer firefighter and EMTCC, and the team leader of the Technical Rescue Team at the Setauket Fire Department. She's been a member of the Department since '96. Besides volunteering, has been working for the

environmental -- an environmental consulting firm in Stony Brook, and also very involved with community organizations and activities.

Legislator Foley is recognizing Joe Theman, III, who's a member of the Medford Fire Department, and, likewise, has given back much to the community.

Legislator Lindsay is recognizing Firefighter Stanley Thuma. He's an Ex-Chief since '64, the Firefighter -- Stanley has been a three-times recipient of the West Islip Fire Department's "Firefighter of the Year" award, having served 56 years of volunteer firefighter service, for which he has been honored by the Fireman's Association of New York; currently serves as a delegate to Suffolk County Volunteer Firefighters Association and the Islip Town Volunteer Firefighters.

So I think we can all agree at that we are truly blessed in this County with these men and women who are willing to go the extra mile and donate their time, and very often, as we've seen, their lives in the interest of the public. We thank you very much.

(Applause)

D.P.O. CARACAPPA:

Thank you, Legislator Carpenter. We appreciate your efforts every year, not only to do this, but your Volunteer Recognition Award that we hold, I believe, in --

LEG. CARPENTER:

April.

D.P.O. CARACAPPA:

-- April. I'd like to remind all Legislators that today we are taking an official picture. We will do at that at the lunch break, and we'll try and move that along very quickly for a whole host of reasons, because it's our lunch break, and number two, we're having a Public Works meeting at 12:30 as well.

At this point in time, I'm going to make a motion to approve the Consent Calendar, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

LEG. VILORIA-FISHER:

Henry, I'm right behind you.

D.P.O. CARACAPPA:

Do we have ten, Henry, on that?

MR. BARTON:

Yes.

D.P.O. CARACAPPA:

We're now going to go to the public portion. First speaker, I'll try my best, Dr. Panna Shah. Just remind the public, you have three minutes.

DR. SHAH:

I have a prepared statement. Could I pass this?

D.P.O. CARACAPPA:

Go ahead.

DR. SHAH:

Good morning, Namaste. I'm Dr. Panna Shah. On behalf of the Volunteers of Shanti Fund, I express my heartfelt thanks to all the County Legislators for their past support to our Indian-American Organization, Shanti Fund. It is, indeed, a great honor for our small community, and we intend to reciprocate the faith you have expressed in us.

Shanti Fund is a charitable organization to promote peace and enlightenment through education. For the last ten years, volunteers of Shanti Fund have organized numerous activities that earned us a unique privilege from the County to place a bust of Gandhi in the main lobby of H.Lee Dennison Building.

For the benefit of many, Shanti Fund requested to be able to build a Memorial of Gandhi, which was also approved by the Legislature. Within a year of signing the resolution, volunteers of Shanti Fund managed to select a nationally renowned sculptor and have the Gandhi Statue made in USA. At the time of unveiling, the statue received many emotional praises and earned accolades in the editorial page of the Newsday. Unfortunately, the subsequent events like unprecedented earthquake in the state of Gujarat, where Gandhi was born, and equally terrifying

events of 9/11 diverted the resources of the Volunteers of Shanti Fund for humanitarian reasons.

One of the purposes of the Gandhi Statue was to promote the message of peace and nonviolence on Long Island. Volunteers of Shanti Fund believe strongly that the time to strengthen the message of peace and nonviolence is now. We hope that the photo exhibitions and Gandhi Statue inside the H. Lee Building can become vibrant -- H. Lee Building can become vibrant with the people eager to learn from the greatest peace messenger of the twentieth century.

I have come here to request you to grant us the permission to have Gandhi Statue temporarily placed in the main lobby of H. Lee Dennison Building, along with the educational exhibitions that would benefit equally to our school and college age population, as well as population at large. With this small step, we like to make a difference.

I will remiss my duty if I don't extend my special thanks to our County Executive, Mr. Robert J. Gaffney, who from day one has helped, participated and supported Gandhi causes. Also, special thanks to the County Legislator Vivian Fisher and County Legislator David Bishop, who were not only present at the unveiling of the statute, but supported us since we approached them to help us for this resolution.

Volunteers of Shanti Fund will be happy to see all of you at the reception on Thursday, October 2nd, 2003, Gandhi's birthday, and we'll be sending invitations soon. Thank you.

LEG. VILORIA-FISHER:

Thank you.

D.P.O. CARACAPPA:

Thank you, Doctor, we appreciate it. Next speaker is Chris O'Connor, followed by Denis Demers.

MR. O'CONNOR:

Thank you. For the record, my name's Christopher O'Connor. I'm the Program Director for the Neighborhood Network, which is a good government environmental organization, and I'm here to speak on the resolution that would be before you today on funding for the Citizen Advisory Panel.

The Citizen Advisory Panel provides unique -- well, it provides more than that, it provides an opportunity for the citizens of Suffolk County to be represented by two able individuals, Gordian Raacke, and Kathleen Whitley. I have had personal experience in working with them. I have worked with them professionally on a number of issues throughout Long Island. And this County and the money that this County expends, perhaps, to fund them so they can continue to do the work has never been spent better.

I have seen how, when Gordian has spoken to individuals, when he has worked with public officials, they listen. He always has something interesting to say. You might not agree with it all the time, but he is trying to make his point. And that voice right now is sometimes I, think, endangered of being silenced, and that would be a terrible thing, because without that voice, Long Island, Suffolk County, would lose a valuable ally in protecting the citizens and their rates and the concerns about electric. At a time when we had this blackout two weeks ago and the questions that came about, transmission, power, that voice is needed more now than ever. And I hope, when you consider the resolution today, that you will vote in favor of reauthorizing the funding for the Citizen Advisory Panel. Thank you.

D.P.O. CARACAPPA:

Thank you, Mr. O'Connor.

LEG. VILORIA-FISHER:

Thank you.

D.P.O. CARACAPPA:

Next speaker is Denis Demers, followed by Gaynell Stone, Gaynell Stone, Dr. Stone.

MR. DEMERS:

Good morning, Honorable Members of the Legislature. My name is Denis Demers. I am Administrator of Mental Health Outpatient Services for Catholic Charities. Our agency provides mental health treatment to Suffolk County residents through outpatient clinics in Bay Shore and Medford, and an Assertive Community Treatment Team in Bay Shore.

Our current combined caseload is approximately twelve hundred people, many of them children. Most suffer from serious psychiatric disorders. All need the care we provide in a system of

services that is dangerously overburdened.

Getting directly to the point, we are requesting restoration of a \$67,000 budget cut our agency has had to absorb in this current contract year. This cut has added to our budgeted 2003 operating deficit of \$250,000. It is a cut we simply cannot sustain.

Since 9/11, our agency, like all our sister agencies, has experienced a number of financial setbacks, making it increasingly difficult to maintain our current level of services. A \$67,000 cut translates into two therapists providing a year's worth of treatment for 140 people. While a restoration of funds will not erase our deficit, it will be an important step toward reversing the destructive trend that now exists.

You have taken meaningful steps in restoring funds for other needed services. Thankfully, you helped us and our sister agencies avoid yet a second budget cut this year. Please, now take another important step. Our agency and the people we serve are depending on you. Each year our services are further degraded as a result of flat funding or budget cuts. Each year it becomes more difficult to continue. You can do something about it. Please, find a way to restore our \$67,000 budget cut. Thank you on your time and attention to this serious and growing dilemma.

LEG. FOLEY:

Thank you.

D.P.O. CARACAPPA:

Thank you. Next speaker is Dr. Stone, followed by Adrienne Esposito.

DR. STONE:

Well, hello. I'd like to speak on behalf of the proposal to refund the CAP Program.

D.P.O. CARACAPPA:

If you could just pull that microphone as close as you can.

DR. STONE:

Can you hear me better now?

D.P.O. CARACAPPA:

There you go. Thank you.

DR. STONE:

Okay. I'm one of the few solar pioneers that LIPA is supposed to be sponsoring. There are only 200 of us in Suffolk County and there's supposed to be 10,000. And, obviously, if we had the 10,000, we would not have to be building all of those new plants to generate power. But LIPA is an agency that has no public oversight. And I think we know from all the various scandals that have occurred nationally, as well as here in Suffolk County, there's no substitutions for independent objective public oversight. So I think restoring this very small amount of money to keep that program going is one of the best investments that the Legislature could make. Thank you.

D.P.O. CARACAPPA:

Thank you very much.

LEG. FOLEY:

Thank you.

LEG. VILORIA-FISHER:

Thank you.

D.P.O. CARACAPPA:

Adrienne Esposito, followed by Linda Fleming.

MS. ESPOSITO:

Good morning, Legislators. I have two issues, so I'm going to speak very quickly. I'm representing Citizens Campaign for the Environment, and I'm here to wholeheartedly support the funding for the CAP Program.

On behalf of CCE, and also our Executive Director, Sarah Meyland, who's been a Board Member of CAP for the past several years, we want you to know that we believe the work that CAP does is unprecedented here in Suffolk County. The work on a sustainable energy policy, energy efficiency, renewable energy, and also watchdogging our rate base is something that the public cannot do without. It is invaluable, it is not a luxury item, it's a necessity here in Suffolk

County.

So we're asking you to, please, vote yes on the CAP referendum. Also, it is something that uniquely benefits every single resident and ratepayer across Long Island. So whether it's Legislator Lindsay's district, or whether it's Legislator Bishop's district, or whether it's Legislator Caracappa's district, each and every ratepayer and member of the public are equally benefitted by the hard work and the dedication that CAP performs -- that the members of CAP or the staff of CAP performs their job. And so we are strongly in support of the funding for CAP to serve the public of Suffolk County.

Secondly, and quickly, we also strongly support Referendum 1592, which calls for public hearings on the issue of Bluepoints. I'm not going to talk about the value of the property, there are many other speakers here that will do that. What I want to talk about is the value of democracy.

This legislation simply calls for public hearings. And let me tell you Legislators, the three minutes we get on this side of the podium, frankly, doesn't always cut it. So we'd like to see extended public hearings on this particular issue and this particular land, because it represents the largest, potentially the largest land purchase in the western part of Suffolk. We'd like to know how the western residents of Suffolk would like their quarter cent sales tax money spent, and we think that that's fair, we really do. So have a public hearing, learn more about the issue, learn more about that property, and let's see if we can balance out that spending of the quarters cent sales tax money. Thanks.

(Applause)

D.P.O. CARACAPPA:

Thank you. Next speaker is Linda Fleming, followed by Mark Serotoff.

MS. FLEMING:

I'm Linda Fleming, Executive Director of Alternatives Counseling, and I'm here representing Quality Consortium. I'm passing around our statement, also, our new brochure, which there's not quite enough for every one of you, but you'll all be getting them. And, also, this attachment has the breakdown of the cuts, which I think you've probably seen now about 100 times.

Let me first read our statement. As representatives of the Quality Consortium of Suffolk County, we are here once again to state that the 2003 Suffolk County budget cut must be revisited. As you are aware, the budget required a 10% cut of Suffolk County monies to funded agencies, how many of the Quality Consortium agencies were inadvertently cut as much as up to 80%. This occurred due to an inappropriate reduction of the total budget, rather than just the County portion. The total budgets included the State dollars, which should not have been included in the reduction. For the alcohol agencies, cutting County dollars resulted in direct reduction of matching State dollars. This was a budgetary error that has cost us over \$400,000. We implore you to correct this error.

To date, one agency has closed a treatment location, and the remaining have staff positions unfilled and layoffs pending. For Alternatives, my own agency, I had to, starting in January, eliminate two full-time clinical positions, reduce administrative time. Every other staff person was reduced from a 35-hour week to a 33-hour week. We have not put money into the retirement fund now for 2002 or 2003, and we have reduced hours of service.

We implore you to correct this situation by introducing a resolution to amend the budget for all of our agencies and to prevent further layoffs, as well as reductions in services.

According to New York State Drug Services statistics, in 2002, the Quality Consortium agencies served over 7,000 individuals in our treatment programs. Fifty-one hundred of these successfully completed treatment, which represents a 72 success rate, and I believe the best in the state. Quality drug and alcohol treatment and prevention services are increasingly in demand in this County, and these services result in a reduction of criminal, social and medical costs.

Please, help us to continue to provide our services to residents of Suffolk County. It is economically sensible to maintain adequate funding for our delivery systems.

And let me say before I close, and I don't know if any of you have heard this, but even as we were comparing this yesterday, we had heard that the County Exec was going to present a resolution for restoration of these funds. Have any of you heard that?

LEG. FOLEY:

No.

MS. FLEMING:

Well, needles to say, if he does do this, I certainly urge you to support it, and I'm sure you will. On the other hand, if he doesn't, I assume we'll be around looking for some support for a resolution from you. Thank you.

LEG. VILORIA-FISHER:

Thank you.

D.P.O. CARACAPPA:

Thank you very much. Mark Serotoff, followed by Bill Chaleff.

MR. SEROTTOFF:

Good morning. My name is Mark Serotoff. I live at the Commack/Smithtown section of Suffolk County. I'm representing myself and no other groups.

CAP is an invaluable -- I'm speaking in support of CAP and the funding for CAP. CAP is an invaluable agency that works for Suffolk County and all of Long Island and the general region. In these times of this historic blackout, questionable energy supplies, gas lines, pipelines, infrastructure issues, to have an objective learned person like Gordian Raacke and the people of CAP behind us and on our side is an invaluable item that we should preserve.

For example, to remind you of some of the work product that CAP has produced, these numerous reports and memos are written in clear, understandable language. My teenage children can understand it. For example, I would like to submit for the record to remind the Legislators, a 16-page memorandum, Review of Fuel Emission and Power Production Data of Long Island Power Plants 1995 to 2000. The amount of data that had to be waded through to condense this into a 16-page understandable memorandum is incredible and it was produced, and this is E Pluribus Unum.

Another one is a five-page memorandum on the LIPA/KeySpan Repowering Study Phase I Update. This alone, repowering study, it was in a telephone book thickness, three inches, and Raacke summarizes it into five pages, and it's good work. Twenty-pages pages on the LIPA Draft Energy Plan, Part I, 21 page, again, into three volumes the thickness of a telephone book for your understanding, so you can make the right decisions. LIPA Option on KeySpan Power

Plants and Sites, the consideration of purchasing LIPA's -- of LIPA purchasing the KeySpan assets. Again, 29 pages, incredible analysis, background, discussions, and all with recommendations. Ten pages on the repowering of Northport as an alternative to Kings Park Energy. Three pages on Suffolk County Legislature Vivian Fisher's CO2 law, to help everybody understand it.

And in the very beginning days, the early days of deregulation, when it raised its head on Long Island, there were 56 proposed power plants, generators, gas lines. Raacke summarized them all into a one-page chart. Remember these? And now we have possibly three power plants left.

The work that CAP produces is invaluable. Suffolk County Legislature has already invested a lot of money into CAP. It would be a shame to throw out the baby with the bath water. It would also verge, I think, on Legislative malpractice not to continue CAP in its existence. Again, I'm speaking for myself for the record.

D.P.O. CARACAPPA:

Of course.

MR. SEROTTOFF:

And I would like to submit these. Thank you.

D.P.O. CARACAPPA:

Just to the Clerk. Thank you. Bill Chaleff, followed by Bruce Garben.

MR. CHALEFF:

Hi. Good morning. My name is Bill Chaleff. I am Co-Chair and founding member of the Citizens Advisory Panel, and I came to that by working for over ten years with a former County Legislator, Nora Bredes, founding member of the Shoreham Opponents Coalition. And I'd just like to remember and remind the Legislature body that that was a time which -- in which the Legislature should be extremely proud, going back to an event that shook the world, not just the country, that we could turn that plant off in the interest of the safety and welfare of our citizens here. The County interceded when no other body would do so, and exhibited tremendous strength and backbone. And I'm here today to ask you, remember that and do the same.

The Citizens Advisory Panel has done extraordinary work, really through the efforts of Gordian

and Kathleen, and that work has paid off in many, many ways. In straight dollars, there's been a return on investment of over 300 to one. In other words, over approximately \$800,000 that CAP has used in ten years, in over ten years of life, closer to 12 years, the citizens have been returned over 250 million dollars, and I think that that record could continue, and it's very important that it do, because, for most of those year, the State, the energy company, LILCO, operated under the purview of the State Service Commission, Public Service Commission. And its charge was not to solely protect the interests of the consumer, as you would think, but they were also mandated to protect the interests of the power company and make sure that they were fiscally alive, because, otherwise, they would cease to exist, so they had a split kind of role. And when LILCO transformed into LIPA, the Public Service Commission oversight went away. So it's now even more important than ever that we maintain some kind of oversight, because LIPA, as we know, came into existence with the promise that there would be an elected board, and that promise has never been fulfilled.

So we have a board that is primarily politically appointed and no oversight, other than the advisory work of Gordian and Kathleen. And because of the quality of their work, as we heard from the previous speaker, the stature of the CAP, the stature of Gordian's work is now -- is now without question. And he is known nationally as an authority on electrical generation and conservation issues. So I think it's critically important to the welfare of the County that the CAP be extend.

I'd also like to speak with you for just a minute on Legislator Fisher's -- Legislator Fisher's resolution implementing leadership in energy in environmental design, the LEED Program, for future County construction projects. And now I'm going to put on my hat as --

D.P.O. CARACAPPA:

Mr. Chaleff, I won't give you time to put on the other hat. Your time's up, if you just want to sum up very quickly.

MR. CHALEFF:

I'm in favor of that legislation, it must be -- it must go through, and I just would like to see the limit of a million dollars removed. Thank you very much.

D.P.O. CARACAPPA:

Thank you. Bruce Garben, followed by Ernest Fazio.

MR. GARBEN:

Thank you. Good morning, and good morning to those that I know on the Legislature. I'm in favor of 1592. At least you can authorize public hearings. It may cost us a little bit more money, but I think what you'll get from them will be the answer we'd like. I'd like to see the Maritime Consortium use of the property we're talking about and find the best way to get -- and be resolved to get it done. Find a way for our neighbors and the people of Suffolk County to pick up a very fine pork property. I appreciate it and thank you for the hearing.

LEG. FOLEY:

Thank you.

D.P.O. CARACAPPA:

Thank you very much. Next speaker is Ernest Fazio, followed by Peter Quinn. Welcome back, Mr. Fazio.

MR. FAZIO:

Thank you. Thank you, and good morning, everybody. I'm the Chairman of LIMBA, Long Island Mid-Suffolk Business Action, and among our charter works are to make sure the infrastructure is advocated for. Where roads, or transmission lines, or power plants are necessary, we advocate in favor of them. We advocate also for the infrastructure being diversified into solar power and other forms of energy.

The history of my involvement with LIPA is -- goes back a long ways, as many of you know. I was diametrically opposed to the formation of LIPA. I soon made my peace with LIPA. They are now one of my supporting members. So I have no particular ax to grind against LIPA, but I do think that CAP is necessary.

It is the nature of human beings that we will perform better if we are held accountable for our actions. And without having an elected board, these people are not accountable to anybody. Now, I will say this in front of Richard Kessel at meetings that he has, and I will say it anywhere, it's just the nature of the beast, we're not perfect. And when we leave the power in the hands of too few without oversight, we're inviting abuses that we did not even consider. So the need for oversight is overwhelmingly clear in my mind, but, more importantly, who oversights, that is important, too.

I have worked with this CAP -- these CAP people for a number of years, getting to know how -- the depth of their knowledge. I have resorted to them when I've needed to know information that was important to any presentation that I was making, and I always found them to be, particularly Gordian, very knowledgeable and on top of all of the issues that he has to deal with. And I'm impressed with Kathleen Whitley. She is an absolute great administrator of what she does and the role of CAP, and I think we're losing a bargain. We're losing a bargain, because these people can advocate on behalf of the citizens of this county and this bi-county area in a way that no other body can. You can't oversee it. You got -- this is not within the purview of your responsibilities, nor do you have the ability, nor as I don't either, and so you need this bit of expertise that you can tap into at any given time.

So I strongly, strongly advocate the continuation of CAP and these good people who have served it so well. Thank you very much.

LEG. VILORIA-FISHER:

Thank you.

D.P.O. CARACAPPA:

Perfect timing. Thank you. Peter Quinn, followed by Gordian Raacke.

MR. QUINN:

Good morning.

D.P.O. CARACAPPA:

Good morning.

MR. QUINN:

Peter Quinn, Energy Analyst, Long Island Coalition for Democracy. I'm here also to endorse the return of Gordian Raacke through funding to be a watchdog over LIPA. I think, speaking of blackouts and lack of reliability, I wonder how many people here know that the utility companies, since the ENRON bankruptcy, have sole assets, mainly generating plants, worth 21 billion dollars in 120 transactions. But that isn't just since the ENRON bankruptcy.

We all remember ENRON, the -- one of the major manipulators of the California rolling blackouts

and budget there, and numerous others. But we should also remember that back in 1992, when FERC, the Federal Energy Regulatory Commission issued Order 636, the utilities around the nation began to circle the wagons. Why? Because FERC called for deregulating the industry with two goals in mind, one, to cut electric rates, and two, to bring competitions -- competition. Well, competition failed in the electric utility industry and so did rates. Rates have gone up through the roof over the past ten, twelve years, since FERC issued that order. And so we need -- as a result, we can understand that the -- Wall Street encouraged utilities to sell off their generating plants and keep the transmission lines. Why? Because then they will be the gatekeepers of prices and rates, and that's what's happened. And I wonder how many investigating teams will conclude that that was one of the causes of these blackouts, and that we'll see a return to more of them, because utilities have become less reliable since they didn't correct the kinds of problems they faced with the transmission lines.

I want to encourage this body to unanimously return Gordian Raacke to a position as watchdog. We need him now more than ever. And, at the same time, I want to call for an Energy Manager to do an analysis of all the facilities in Suffolk County that use electricity and come up with a report, and he will be paid out of the successes that he has in reducing rates, and I'm willing to help work with any Legislator to put that together. Thank you very much.

D.P.O. CARACAPPA:

Thank you, Peter.

LEG. FOLEY:

Thanks, Pete.

D.P.O. CARACAPPA:

Next speaker is Gordian Raacke, followed by John Whitbread.

MR. RAACKE:

Good morning. First of all, I'm blushing with all the things I'm hearing about CAP here, so forgive me for that.

Before I address the issue of the Procedural Motion Number 6, which would fund CAP, I just wanted to say a few words on the legislation you have in front of you today also on the LEED

standards, sponsored by Legislator Fisher. I think I can best make the point that this is a good piece of legislation and that we need to build buildings that are energy efficient and use renewable energy sources by showing you my LIPA bill. You can't see it from where you're sitting, but I'd be happy to have you take a closeup look. This LIPA bill says \$10.60. This is my bill at my house. But the more remarkable part is that it has a little minus sign in front of it. I have an energy efficient house that's not LEED certified, because it was build --

LEG. VILORIA-FISHER:

I'm sorry. Gordian, could you hold the mike a little bit closer to you? You're pretty tall, and I don't know if Legislators Bishop and Tonna can hear you, because it was kind of soft.

LEG. TONNA:

I can hear.

MR. RAACKE:

My home that I live in is not LEED certified, because it was built way before that, but it is certainly a building that keeps all the standards of a typical LEED building. This is what you can do if you build LEED buildings.

I think you should pass this legislation, because I think we don't have any taxpayer money to waste. We need to save money, and the way to save money in the long run is to build energy efficient and renewable energy buildings, so I would urge you to do that. I also believe, by the way, that this effort would create jobs, and I think that's reflected at our State policy, where Governor Pataki has called for 25% renewable energy by 2013, and Executive Order 111, which would mandate those kind of standards and energy efficiency standards in State buildings.

On the issue of CAP, I want to, first of all, thank Legislator Cameron Alden, Legislator Cooper, and all the Legislators around the horseshoe would have been supportive and are going to be supportive of CAP today. I believe that Long Island citizens must have a vocal, an expert, and an independent watchdog, and I believe it is up to you today to make that happen. If we do not get funding from the Suffolk County Legislature, I'm sorry to say, we will probably have to close down our doors. CAP has done what you have asked us to do, which is we have gone out to solicit grants. We have gotten some minor grants. It is simply not enough to keep our doors open.

It is very, very difficult to get grants for consumer protection and consumer advocacy and representation before LIPA. I don't have to tell you that the Long Island Power Authority is a monopoly. Without oversight, the Public Service Commission does not regulate LIPA, and the Board is not elected, but appointed. So I think you owe it to your constituents to make sure that we have an independent watchdog out there looking out for ratepayers' interests. Thank you.

LEG. FOLEY:

Thank you.

D.P.O. CARACAPPA:

Thank you.

LEG. VILORIA-FISHER:

Thank you, Gordian.

(Applause)

D.P.O. CARACAPPA:

Mr. Whitbread, followed by Barbara Whitbread.

MR. WHITBREAD:

Hello. My name is John Whitbread. I am Vice President of West Sayville Civic Association. I am also on the Board of Directors for the Center for Estuarine and Environmental Sciences, located at the Bluepoints property in West Sayville. I'm here to speak in support of Proposition 1592, which is for the public hearing on the Bluepoints property.

The point I'd like to make to you, very quickly, is really a very simple point, and that is that I really ask all of you elected officials to revisit the reasons you became elected officials, and to look within your -- that rationale for the opportunity to represent your constituents, and to represent the people in which elected you into the seats that you're now sitting, and to consider what a value this property -- obviously, you've already heard the immense value, historical value, geological value, that this property holds, and to simply find it within your hearts to open up the dialogue, so that all of Suffolk County who truly can benefit from the use of this property as a marine science collaborative, who can preserve this integral part of, not only West Sayville, but Suffolk County history, and, as you all know, Bluepoints oyster which is a worldwide

commodity. You can go to Japan, you can go to virtually anyplace in the world and you see the Bluepoints oyster. This is a -- this is a great thing for us to be associated with, and, certainly, should we ever adopt sister cities in other parts of the world, certainly, a clear commodity of exchange.

So I ask you, as Legislators who are elected into the seats, that you find it as part of your mission and as part of your opportunity today to keep this dialogue open and to allow us to further explore how many ways in which this property can be a benefit to the residents of Suffolk County and, truly, to the residents of all of Long Island.

As you've heard, this is going to be a marine science center to benefit, not only just the South -- Great South Bay estuary system, but really all of Long Island, as we are an island and we're surrounded by an estuarine environment. And this is the type of center that can allow us to really understand some of the problems, and to try to make improvements to that environment, and bring back some of the things that we all had as kids growing up, and knew of the plentiful clams and oysters in and around our Island, and certainly the fish, and to really be able to make some advances into the water quality that we know has been a problem of late.

So, again, I ask for your support on this resolution. Thank you very much.

LEG. FOLEY:

Thanks, John.

LEG. VILORIA-FISHER:

Thanks.

(Applause)

D.P.O. CARACAPPA:

Thank you. Barbara Whitbread, followed by Brendan McCurdy.

MS. WHITBREAD:

Good morning. I'm Barbara Whitbread from the West Sayville Civic Association, and I'd like to first comment on some things that were spoken about at the August 5th hearing.

The developer's promise of a donated marine science center has had nothing shown to validate it. We've been shown nothing, no letter of intent, no contract, no business plan, no budget. There's absolutely no mention of it in the plans submitted to Islip Town. It's all verbal and without significant detail. CEES has a real plan, which you were given at the last meeting.

The unique hydrological features of the Bluepoints property offer spectacular opportunities, both environmentally and economically, to Suffolk County. The pure saline wells are priceless in terms of what they offer to shellfish cultivation, marine, and biomedical research.

You have before you a tremendous opportunity that you may never get again. The saline aquifers of this quality, depth and breadth are not found anywhere else on Long Island. It is a vital natural resource that should not be lost. It needs to be preserved and utilized.

You have spoken of runoff filters as a possible aid for select areas of some waterways. The cost of the county-wide effort would be huge. Filters need replacing at an ongoing expense, and they only filter water going into the bay. But what about the billions of gallons of water already in our bay? Shellfish are your magic bullet here.

The Bluepoints site has the ability for massive shellfish cultivation. It has not been realized to that extent by the present company. What does that mean? Oysters can filter more than 50 gallons of water per day per oyster, and all you do is toss them in the water and you're done. They go right to work. You never have to do another thing to that oyster, no batteries, to filter changes, no fish food, no additional expense. They are perfectly self-sustaining, eating all the particles that we don't want in our bay water. These particles have depleted our fish stocks.

The changes in water quality will make a significant difference in our polluted waters, which will help support the economy Long Island enjoys from tourism. Additionally, the shellfish beds will be restored for public access.

The Long Island shellfish industry is a multi-million dollar industry that we need to sustain. CEES, the Consortium for Environmental Estuarine Sciences, can do this with your help and support. Our waters will only get more polluted over the years without major intervention. Here is your opportunity.

Please, support 1592, the acquisition of the Bluepoints property on West Sayville's Great South

Bay. Thank you.

LEG. FOLEY:

Thank you.

(Applause)

D.P.O. CARACAPPA:

Thank you. Brendan McCurdy, followed by Martin Schreiber. We've got ten.

MR. MC CURDY:

Thank you. I'm Brendan McCurdy of the West Sayville Civic Association, and I rise in support of Resolution 1592.

Sometimes when you're up to your neck in alligators, you forget that you came to drain the swamp in the first place. I really don't know what happened at the last resolution meeting, but things got confused awfully fast, so I'd like to direct your attention to really strip it all away of all the stuff that gets in the way of you making your decision, and that's two things, the history and the water.

If I could ask by a show of hands how many Legislators have read the pamphlet, which we passed out at the last meeting? Legislators, have you read the pamphlet that we past out at the last meetings? Well, perhaps, if you'd be so good to read it at lunch break today, you'd understand the history of the site.

And now let's talk about the water. This is road runoff. I picked this up today. There's a puddle of water on Atlantic Avenue that stays there pretty regularly. This is filled with all the bad things that you don't want in the bay; oil, petroleum, fecal matter, pesticides, herbicides, all of the things that kill the bay. This is water from the Great South Bay, which I picked up this morning. The Great South Bay is really hurting, folks.

The Bluepoints Company didn't give away 11,000 acres of bay bottom because they had a big heart, they gave it away because it's broke and they can't fix it.

This is water from the salt water aquifers that exist in West Sayville. This is a unique natural

resource. This water is a perfect purity and salinity for growing the algae that raises seed clams and seed oysters. You can't find this anywhere else, it's in West Sayville. This is a resource that has to be protected and has to be preserved. This alone speaks for every reason why the property should be condemned, so it's owned by the public of Suffolk County.

Now, I'd like to, as well, address a couple of the comments that were made at the last meeting. There was a discussion about precedent, not wanting to create a precedent. Well, where I come from, precedent can be a good thing. Precedent can show a person's character. Precedent can show vision. Precedent can show leadership. Precedent can show courage of one's conviction. As well, there was discussion about never voting to condemn. Never say never is something my grandfather taught me.

This past weekend at the Long Island Seafood Festival, there must have been 20,000 people. I had a booth there. I didn't speak to all 20,000, but I got to tell you, everybody who stopped by, only two people thought condemnation was a bad idea. So what I'd ask you as Legislators is to vote for this resolution, so that you can go back to your constituents, you can let them speak, you can hear what they have to say, and then you can decide if this property should be condemned. But to not let this resolution pass today is doing a disservice to all of your constituents, as well as the future of Long Island. Thank you very much.

D.P.O. CARACAPPA:

Thank you.

(Applause)

D.P.O. CARACAPPA:

Martin Schreibman. Mr. Schreibman, followed by Oliver Hull.

MR. SCHREIBMAN:

God morning. Thank you for this opportunity to make this presentation in support of Proposition 1592. My name is Martin Schreibman. I am a Distinguished Professor and found Director of the Aquatic Research and Environmental Assessment Center, which I will refer to as AREAC hereafter. This is located at Brookhaven College, on the campus of Brooklyn College of the City University of New York. This is a.
2 1/2 million dollar facility on this campus right in the heart of Brooklyn. It was built and is

maintained with funds derived from Federal, State and City agencies. We started this just five years ago.

I'm here today to speak about developing a consortium relating to all facets of environment, estuaries and ecological issues in West Sayville. We have named this entity CEES at Bluepoints, Incorporated, the Consortium for Estuarine and Environmental Sciences. AREAC's programs study aquatic organisms and the environment that they live in. AREAC could serve as a template for CEES, thus creating a center of excellence in West Sayville at Bluepoints, a center of excellence for research, education, economic development and job training, and community outreach.

A sampling of some of the -- of the activities that we carry on at AREAC that could be duplicated, some of them almost at once, include research. We engage in biomedical research, which includes aging, cancer, development. We're involved in space biology, using aquatic organisms to study the effect of gravity on aquatic organisms. We're heavily involved in fisheries research, which includes shellfish issues, and we are helping some of the problems -- to resolve some of the problems that are prevalent in the shellfish industry in Eastern Long Island. We do environmental assessment and restoration. Major projects in Jamaica Bay at the other end of Long Island, the western end of Long Island, the Hudson River, in the harbor, we're involved in these issues, and also in Great South Bay.

Our education spans a whole list of activities, starting with pre-K classes, going to post graduate training. We train teachers, we train parents. We even speak to Legislators on occasion and other policy-makers, not only here, but also in the western hemisphere.

Economic development, we have a major program in urban aquaculture; fish farming in the city, fish farming in urban areas, which includes not only aquaculture for food for fish -- fish for food, but ornamental aquaculture, multi-billion dollar industry that is -- that we have not seized upon in this area, or even in the United States. We have that opportunity here at CEES. We have fish, also, and aquatic organisms for research, a major contribution to the biomedical research field.

In community outreach, there's no end to what we can do. We run special classes, we do tours. Many of these activities could start at CEES immediately. You have -- I guess my time is up.

Cutting to the chase, you -- I was going to say we have the opportunity. You have the opportunity to create a true center of excellence for collaborative research, and I underline the word "collaborative", which would include all of the institutes, educational and other research and study institutes in the Tri-State area and Long Island, to create the center of excellence in marine, environmental, and socioeconomic issues. I thank you for this opportunity.

D.P.O. CARACAPPA:

Thank you. Oliver Hull --

(Applause)

-- followed by Maura Corrigan McCurdy.

MR. HULL:

Good morning, Members of the Legislature. Oliver Hull, again, Treasurer of the West Sayville Civic Association.

I just wanted to take one second to take a step back. This is an opportunity that you're never going to have again. This is bigger than just a one little piece of property in West Sayville, this is about turning around the ecosystem of the Great South Bay. It could go either way at this point. This could make the whole difference. Please, think about that. Thank you.

D.P.O. CARACAPPA:

Thank you very much.

(Applause)

Maura Corrigan McCurdy.

MS. MC CURDY:

Good morning. My name is Maura Corrigan McCurdy. I live at 108 Atlantic Avenue. I'm here to comment on Resolution 1592, the Bluepoints Company.

Smart growth, I keep hearing that phrase and reading about it in the local papers. I ask you, the full Suffolk County Legislature, what exactly is smart growth? If the County is so committed

to smart growth, as I understand it, than why am I standing before you here today?

In the Babylon Beacon, Suffolk County Legislator Maxine Postal is quoted as saying that smart growth is a land use policy that emphasizes community-based planning, consistent with needs and objectives of the local community and the region as a whole. It also encourages redeveloping sites already in use, and to protect valuable and diminishing open space, farmland and historic sites, transportation choices, and collaborative planning between government and the people. WSCA's efforts to create a marine science at Bluepoints site fulfill many of the objectives outlined by Legislator Postal. The reuse of an existing building, open space, and historic preservation. You are the government, we are the people. We have a plan. What more can be said? It's a perfect fit.

Legislator Angie Carpenter and Legislator Bishop have recently been quoted as supporters of the barrier beaches, how important they are to Long Island and how they must be saved. In the Suffolk County News, Ms. Carpenter has said, quote, "The Federal and State Governments are not going to step up to the plate to protect our beaches, unless the County is prepared to do it's part as well." I'm happy to hear that, as my family and I have a summer home in Saltaire, and I'm gratified that the County has finally decided to take an interest in beach erosion problems that exist on Fire Island. But, in case Ms. Carpenter has forgotten, half of Fire Island beaches are bay beaches. Does she believe that only half of Fire Island beaches should be protected while the other half is left with the inevitable pollution that is generated by high density development on the mainland side of the bay?

In the same article, Legislator Bishop says, quote, "Our shoreline and coastal resources are priceless and an economic and ecological asset. We must not allow erosion to imperil this important region and the millions of dollars invested in these areas. Does Legislator Bishop believe that the economic and ecological assets of Fire Island are the only Long Island assets in danger of extinction?

The eradication of the commercial fishing industry that is the end result of a privatized bay front and the destruction of naturally occurring salt water wells, a result of 20 -- a 20-unit condominiums on the Bluepoints site seems to me, the ordinary citizen, to be as important as the preservation of Long Island's oceanfront.

John Lee, the former editor of the Suffolk County news, in an editorial written shortly before he

died, expresses how many of my neighbors and I feel about the preservation at Bluepoints. Atlantic Avenue is a peaceful street. Thirty condos at the end doesn't seem like smart growth, just plain old ordinary growth, bringing with it not only the more nerve wrangling noise, congestion and distraction, but the dreary and relentless eradication of anything that might speak of our common past.

All the compromises and the donations promised by the developer -- anyway --

D.P.O. CARACAPPA:

Just sum up.

MS. MC CURDY:

All the compromise and donations promised by the developer, from a science center to gazebos at the end of the street that allude to the past cannot replace the Bluepoints Oyster Company, the symbol of West Sayville's origins as the oyster capital of the world, where at one time the roads were paved with oyster shells. Thank you.

D.P.O. CARACAPPA:

Thank you very much.

(Applause)

William Fitzgerald, followed by Dr. John Tanacredi.

MR FITZGERALD:

Good morning, Legislators. I'm William Fitzgerald and I'm Counsel to the Civic Association. I am also a member of West Sayville, I am a resident of West Sayville.

Last time, I explained to this Legislature that the legal problems with Mr. Aniboli's application were severe, and that we had a major concern regarding the property, and the fact that the property will lay dormant and unprotected for a very long time. This time, I'm not going to talk about any of that. This time, I want to address directly Legislator Caracciolo, Legislator O'Leary, Legislator Caracappa, Legislator Alden, Legislator Carpenter, Legislator Crecca, who's not in the room right now, Legislator Nowick, who I don't see in the room either, Legislator Binder, who I don't see here, and Legislator Tonna. I'm addressing you today as a fellow Republican. See,

every time I get asked by members when I talk about this development, and I admit that I'm a Republican, I get the question, how can you, as a Republican, be for something like this? How can you stop smart growth? How can you pretend that you are a Republican and actually be for the environment and against capitalism? Well, I answer that in this fashion. Being a Republican doesn't mean that I don't respect my environment, it doesn't mean that I don't respect our history, it doesn't mean that I'm not going to protect our natural resources. Being a Republican to me means limited, but smart government. And I ask you today, do not ignore our obligations to our history, to our natural resources and to our environment.

Republicans don't ignore the concerns of their constituents. And I ask you again today, don't ignore this community's voice. By voting in favor of Resolution 1592, you agree to listen to the community and that's it. You're not condemning it, you want to hear us, and we want to be heard. So we ask you, have the courage to vote with your heart and start this process to protect our bay, our maritime economy, our neighborhood character, our history, and our environment. Let me leave here today being proud that I can still say I'm happy to be a Republican. Thank you very much.

(Applause)

D.P.O. CARACAPPA:

Dr. Tanacredi.

DR. TANACREDI:

Good morning. Thank you, County LEGISLATORS, for this opportunity. I am also here to speak in support of Resolution 1592. I am the Chairman of the Department of Earth and Marine Sciences, and formerly, for 30 years, Natural Resource Management Specialist with the National Park Service, presently at Dowling College. I'm a Research Ecologist, and have worked in estuarine environments for some 30 some-odd years. And I'm here, basically, to reaffirm everything that you've heard up to this point. It is a historic, educative, and, basically, the paradigm, I think, used for a collaborative opportunity that you have before you, and that is in itself a special and unique opportunity.

Dowling College hosted in February a consorial meeting, invited over 40 people representing the scientific community, the conservation community, and the public advocacy groups on Long Island and in Suffolk County that would be interested in partaking and participating in the CEES

center. This historic property is -- not only supports commerce in the past as a historic aspect of the Bluepoint property, but it also is something that has dispersed it's product around the world. And this is an issue that has been identified as something that is not significant enough to substantiate the condemnation of the property and -- but the condemnation procedure that's before you is basically an administrative procedure. As legal counsel just represented, it is beginning the process. This is not the fait accompli. The property and the existing facilities are in excellent shape. They've been identified as an engineering -- not as an engineering problem, but as something that can be adaptively reused and providing the activities to perform that this center would look forward to, including the services of education and research.

We have provided for you, again, an activity sheet that shows what can be immediately started at Bluepoints property, and things that need longer term planning activities and attention to fundraising activities, and, basically, the services of providing for education and research for Suffolk County, Long Island, New York State, and a global perspective identified by Dr. Schreibman.

The challenge to you today, as Legislators, is to allow a public trust to be protected. It is this preservation issue that you have probably heard ad nauseam on many, many issues here in Suffolk County. I'm a resident of Nassau County, I live in Valley Stream, and I commute out to Suffolk County every day, and I can tell you, there's been identified in Valley Stream, many times calling it Valley Queens, because of the development activity that has taken place.

The CEES Center at Bluepoints will be the saving grace for Suffolk County children, contributing to its exploration of the estuarine sciences and global environmental issues. And I leave you with one statement made by the Nobel Laureate {Renny Davose}. You plan globally. You have an opportunity to do that here, but act locally.

D.P.O. CARACAPPA:

Thank you.

(Applause)

We have no further cards. Was there anyone who wants to address the Legislature at this time? Seeing none, I'll make a motion to close the public portion.

LEG. CARACCILO:

Second.

D.P.O. CARACAPPA:

Second by Legislator Caracciolo. All in favor? Opposed? Abstentions? I'd ask all Legislators, please report to the horseshoe, we're going to start to do the agenda. Before we get to the agenda, I would like to welcome our newest Legislator, Legislator Peter O'Leary from the Third District. And congratulations, Peter, and we look forward to working with you.

LEG. O'LEARY:

Thank you.

D.P.O. CARACAPPA:

Keep in mind, colleagues, we have no Counsel today. I have Counsel's notes and opinions, and we'll try and guide ourselves through that, if we need a legal determination, and we'll do our best to get through the agenda. I just ask that we all stay focused and I'm sure we'll have no problem.

RESOLUTIONS TABLED TO AUGUST 26, 2003

Resolutions tabled.

LEG. CARACCILO:

Mr. Chairman. Mr. Chairman.

D.P.O. CARACAPPA:

Hold on, hold on.

D.P.O. CARACAPPA:

Mr. Clerk.

MR. BARTON:

Yes.

D.P.O. CARACAPPA:

Did you want to say something?

MR. BARTON:

No.

D.P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Yes. Mr. Chairman, earlier I had to leave the auditorium and take a photograph for a new County identification card. I understand that the Consent Calendar was voted and approved upon. I'd like to cast my vote with the majority.

D.P.O. CARACAPPA:

Motion to reconsider the Consent Calendar by myself, second by Legislator Binder. All in favor? Opposed? The Consent Calendar is before us. Motion to approve the Consent Calendar by myself, second by Legislator Caracciolo. All in favor? Opposed? Abstentions?

LEG. CARACCIOLO:

Thank you.

D.P.O. CARACAPPA:

Consent Calendar is approved.

MR. BARTON:

16.

LEG. CRECCA:

Mr. Chairman.

D.P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

Can I just suggest the possibility of having the County Attorney available later on today, available to us, should we need legal --

MS. BURKHARDT:

He's here. Dave Grier is here.

LEG. CRECCA:

He is, okay.

D.P.O. CARACAPPA:

Yeah.

LEG. CRECCA:

Just, if we need him, we can always pull him in as backup.

D.P.O. CARACAPPA:

Sure, absolutely, he'll be here.

LEG. CRECCA:

Thank you.

D.P.O. CARACAPPA:

Very good.

LEG. BISHOP:

You're really trying to hurt Paul Sabatino.

LEG. CRECCA:

Well, it's either that or M.J.

D.P.O. CARACAPPA:

Legislator Bishop, did you have -- okay. **1585 (Authorizing waiver of interest and penalties for property tax for Joseph Bryan and Marie Bryan.** Legislator Foley.

LEG. FOLEY:

Motion to table, Mr. Chairman.

D.P.O. CARACAPPA:

Motion to table by Legislator Foley, second by myself. All in favor? Opposed? Abstentions?
1585 is tabled.

MR. BARTON:

17.

D.P.O. CARACAPPA:

2252 - To authorize and empower the audit of the Suffolk County Pharmacy Benefits Manager. Legislator Bishop?

LEG. BISHOP:

Motion to approve.

D.P.O. CARACAPPA:

There's a motion to approve by Legislator Bishop.

LEG. VILORIA-FISHER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Viloría-Fisher. On the motion, anyone? All in favor? Opposed?

LEG. CRECCA:

Roll call.

D.P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Pass.

LEG. ALDEN:

Pass.

LEG. FIELDS:

Pass.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. O'LEARY:

Pass.

LEG. GULDI:

(Not Present)

LEG. CARACCILOLO:

Yes.

D.P.O. CARACAPPA:

Yes.

LEG. CRECCA:

Abstain.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. O'LEARY:

Yes.

MR. BARTON:

Legislator Guldi. 14. (Not Present: P.O. Postal and Leg. Guldi)

D.P.O. CARACAPPA:

14, it's approved. 2252 is approved. **1357 - Directing Office of Legislative Budget Review to audit legislative vehicles.** Legislator Caracciolo.

LEG. CARACCILOLO:

Motion to approve.

LEG. ALDEN:

Second.

D.P.O. CARACAPPA:

There's a motion to approve by Legislator Caracciolo, second by Legislator Alden. I'll make a --

LEG. FOLEY:

Motion to table.

LEG. VILORIA-FISHER:

Second.

D.P.O. CARACAPPA:

There's a motion to table, Legislator Foley, second by Legislator Viloría-Fisher.

LEG. CARACCIOLO:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

Mr. Chairman, earlier this year, the County was informed that as a result of unfunded State mandates, cost overruns in certain County programs, again, driven primarily by unfunded State mandates, the County was facing a 140 million dollar budget deficit. From that time to the present, much of that projected deficit --

LEG. VILORIA-FISHER:

It's hard to hear you. It may be the fan behind us, Michael.

LEG. FOLEY:

We need the fan on.

LEG. CARACCIOLO:

It's on. Much of that projected deficit has been erased by a number of actions, some within County government, some external, some additional aid, and now we are looking at substantially

a much brighter financial future. I'd like, at this time, however, to have the Budget Review Office comment. In the context of this resolution, there was recently an article in Suffolk Life, and that article reported that at the request of Legislator Cameron Alden, the County Comptroller's Office --

LEG. VILORIA-FISHER:

That's not about this issue.

LEG. CARACCILO:

Well, it's related. If you don't want to talk about real government substantive issues, we won't, but I intend to.

LEG. VILORIA-FISHER:

Only ones that are relative --

D.P.O. CARACAPPA:

Legislator Caracciolo, let's just stay focused on our legislation and --

LEG. CARACCILO:

Joe, I will, I will.

D.P.O. CARACAPPA:

Very good.

LEG. CARACCILO:

Having said that, the article referred to surplus vehicles and how it has been a longstanding policy of the Legislature to authorize disposal of those vehicles to a number of organizations, but what the article didn't, unfortunately, cite is that many of the vehicles that are auctioned off or that are surplus are vehicles far in excess of 100,000 mile, so part of that was missing from the story. But that said, it made reference to the Comptroller's report that pointed out, and, Cameron, you could certainly correct me if I'm off by a few thousand dollars, but, as I recall, it cited that somewhere in the area of \$160,000 or more is lost annually as a result of policies that this Legislature votes on almost routinely. Now, on that -- on that score, I have only sponsored several, probably a half a dozen surplus vehicle resolutions in 12 years, and I try to conform to the recommendations of Legislative Counsel. And the last two I sponsored were far in excess of

the \$200 threshold. Now, how does that relate to this resolution?

LEG. VILORIA-FISHER:

Yes.

D.P.O. CARACAPPA:

We'd like to know.

LEG. CARACCIOLO:

Okay.

LEG. VILORIA-FISHER:

We wait with baited breath.

LEG. CARACCIOLO:

The attempt by some members of the horseshoe to table this resolution in the hopes that the information that each and every one of us and our constituents are entitled to will somehow not appear I can tell you is very foolhardy, because if the Budget Review Office doesn't undertake this audit, my office will, and I will have results probably in the next three to four weeks, and then this resolution will come up again, and perhaps even a resolution that would indicate that there are a number of Legislators who should not be driving County vehicles. Now, if that's what we're trying to obscure from the public, be honest about it and tell them that. If we want to exclude ourselves from a policy that our own Budget Review Office says we should be following, let's have that vote and let -- put on the record where each of us stands. Thank you.

D.P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Thank you, Mr. Chairman. I just -- just one brief comment about this Suffolk Life article on the other vehicles. It quoted -- the Comptroller's report quoted the loss of this supposed sum of money based on Blue Book values. As you pointed out, most of those vehicles have more than 100,000 miles. I think one had 300,000 miles on it. So to assume that you would get the purchase price as per that evaluation is an assumption that, I don't know whether it's correct.

But having said that, the resolution we're talking about now, I would like to know from the sponsor how that differs from the practice that takes place here now. I don't have a County vehicle, but it's my understanding every Legislator that does have a County vehicle has to fill out a report at the end of the year and make restitution for any personal use of that vehicle. So what will your resolution do that isn't being done now?

LEG. CARACCILO:

The actions that you speak of are requirements by the Internal Revenue Code that any employee working for any municipality has to file and deduct for tax purposes mileage used for computation. To my knowledge, that's being done, unless the Budget Review Office has knowledge that it's not being done by anyone. What this resolution simply would do would take a look at the amount of annual mileage accrued by each member of the Legislature, not just elected officials, staff as well, Bill, and identify whether or not they are meeting the threshold for the use of a County-owned vehicle. Perhaps it would be less expensive. Perhaps we could save some money and lead by example if an individual, be it a staff or elected official, is driving a vehicle that should otherwise be reimbursed for mileage, which every employee is eligible for that uses a vehicle for official business. So it really wants to identify which category or vehicle assignment should be made, or the basis on which a vehicle assignment should be made. If it meets the threshold that the Budget Review Office has identified, and they could comment on what that threshold is, they cited in their 1999 fleet analysis report, what they identified in that report, where tens of thousands of dollars was being lost because of very loose reporting procedures in all County departments. So this is the first step. We can't go to other County departments and say, "Clean up your act," if we're not willing to start right here, and that's what this resolution attempts to do.

D.P.O. CARACAPPA:

Okay. Just -- are you done, Bill?

LEG. LINDSAY:

We're going to hear from Budget Review?

D.P.O. CARACAPPA:

We'll hear from Budget Review in a second. We'll hear Legislator Bishop on the -- Mike, I've reviewed your legislation, and I called you about it some months ago. The problem with the way that

you're asking for it to be done, it's very difficult to basically audit Legislative vehicles, especially when certain Legislators are getting three, sometimes four different vehicles in one year, which is -- it's hard to gauge. Under the rules set by the Budget Review and this Legislature, you can't adequately gauge the proper mileage, based on the fact that they're getting three cars or driving in three different cars a year. Also, there are examples where other Legislators have gone to other departments asking for cars, because they didn't like the cars that we didn't -- that were available to the -- the pool cars that we have in the Legislature. So there is a whole host of circumstances that do not allow, under your resolution, for Budget Review to properly do an analysis. Based on their earlier analysis, it shows, for example, you would be out of compliance based on the way the analysis is being done, myself, too. Maybe it's because we live so close to our district offices. And I personally use my own personal vehicle to go to my district office on many occasions, as opposed to taking my County vehicle.

So there are, again, a whole host of different circumstances that need to be addressed before moving forward with this legislation, because it very easily can be shown that each and every one of us is out of compliance with the legislation that you're asking to be done based on the circumstances that I brought up here now, but also others that I won't get into.

LEG. CARACCILOLO:

Mr. Chairman, may I respond?

D.P.O. CARACAPPA:

Oh, of course.

LEG. CARACCILOLO:

Okay.

D.P.O. CARACAPPA:

Oh, I'm sorry, Legislator Bishop is done.

LEG. BISHOP:

He's done?

D.P.O. CARACAPPA:

You're done, Dave? Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you. First, let me say that based on the amount of annual mileage criteria, I have every year, to my knowledge, and no one's ever brought to my attention previously, have met that criteria. Fred, what is the threshold of annual mileage that justify the assignment and use of a County vehicle?

MR. POLLERT:

Well, one of the difficulties is that the County Executive has not established any threshold amount with respect to what the annual mileage is for the assignment of a vehicle. In 1999, when the Budget Review Office did the car report, we had estimated that the break-even point was about 12,000 miles per year for just business miles.

LEG. CARACCIOLO:

Okay. Thank you, because that's the threshold I'm speaking of. I am not aware in a single year whether I had one County vehicle or two County vehicles assigned to me as a result of County vehicle rotation within the Legislature of not meeting that threshold, so --

D.P.O. CARACAPPA:

I agree with you.

LEG. CARACCIOLO:

Okay.

D.P.O. CARACAPPA:

But based on the criteria that Budget Review needs to work with and the way that they do it, it's difficult to get a proper analysis of Legislative vehicles. Fred, could you elaborate, if you don't mind, Mike.

LEG. CARACCIOLO:

Go right ahead.

MR. POLLERT:

Specifically, one of the difficulties is the record-keeping, trying to get the data for the County Legislators. We did go into the W-2 reports and we backed out the commutation mileage. The

difficulty is coming up with a total mileage driven by a Legislator during the year.

The 12,000 miles that we had come up with is not in a standard operating procedure, it is a threshold amount that we had come up with in 1999. It's not how cars are assigned by the County Executive's Office. If you do less than 12,000 miles per year, which most Legislative cars do, it's not in violation of any County rule or regulation, it's just below a break-even point. That 12,000 miles is just the business mileage, it's not personal commutation. Likewise, the County doesn't have a good definition of what is a commutation mile. If your duty statement is going to your district office, you have to back out all those miles. That's not considered business miles, that's commutation mileage.

Discussing the issue with Paul Sabatino, it becomes a gray topic whether or not coming into Legislative meetings would be considered commutation mileage or not. So absent clear definitions, it becomes a quagmire, because we don't have good records. It appears that all the Legislators are properly reporting on the W-2 forms, but the 12,000 miles becomes problematic whether or not the cars are going 12,000 miles per year on business mileage. In addition to that, we can't verify whether or not more than half the mileage is being spent on commutation, because we don't have a good definition of what constitutes commutation. So we did spend one week on the project. We did try to put together some of the data. That's my kind of the threshold for working on a project, and then I brought it back to the Budget Review Office Steering Group and said it's going to take, more than a week's worth of time to complete this project.

LEG. CARACCILO:

Okay. Essentially, what the resolution requires, very simply, it's very simple, it's very straightforward, is just identify each person in the Legislature that's assigned a County-owned vehicle and the amount of annual mileage. It doesn't say if they don't meet a threshold, which is, apparently, arbitrary at this point; am I right about that, Fred?

MR. POLLERT:

Yes.

LEG. CARACCILO:

Okay. That they don't -- they don't continue to have a County vehicle. It's basically just calling for an audit. The resolution that we just voted on similarly just calls for an audit. It's just to

give us a snapshot in time of what is the usage, and then we could revisit the issue to determine if we want to establish a policy, a definitive policy, because right now, Fred, correct me if I'm wrong, there is no definitive policy on County vehicle use in the County Legislature, is there?

MR. POLLERT:

Just the County-wide policy as a whole.

LEG. CARACCILOLO:

And that is?

LEG. FOLEY:

Levy Law.

MR. POLLERT:

That it's up to the County Executive to assign the vehicles, that the vehicles are to be used for business purposes, and that employees are required, with the exception of elected officials and department heads, to keep a log of what the daily mileage is.

LEG. CARACCILOLO:

Right. So, I mean, again, in sum and essence, what the resolution calls for is just a determination on the twenty-three or four vehicles that are assigned to the Legislature and the amount of annual mileage usage. Then we could address, because I intend to, the issue of whether or not, or establish a policy for Legislative vehicle use, much as we should have, a County-wide vehicle use policy. Thank you, Mr. Chairman.

D.P.O. CARACAPPA:

Legislator Foley.

LEG. VILORIA-FISHER:

Joe.

LEG. FOLEY:

Thank you, Mr. Chairman. You know, the information that's being requested can be received, I think, without the need of legislation. But if you're going to have legislation, as any Legislator

can present, then what you really want do is put forward legislation that's meaningful. If this legislation really wants to be meaningful, there should be an audit not just of 23 cars, which to use a term that's used quite often by Budget Review Office, of a relatively de minimus number, but if you want to have true meaningful legislation, resolution concerning cars, as this Legislature has done over the years, has had some real meaningful reform when it comes to cars, the fact of the matter is that this should be a much more broadly based resolution that looks at not only 23 cars in this Legislature, but looks at cars throughout all the departments. And if that kind of amendment is made to this particular resolution, I think the sponsor would see quite a bit of support for it, but we're only focusing on 23 cars, and information that can be gleaned or can be received via either the Budget Review Steering Committee or direct appeal to the Presiding Officer, without the need for legislation. That's why some of us are tabling this legislation. We're ready, able and willing to support meaningful legislation that does a broad and deep review and audit of cars throughout this County, but to solely put the focus on 23 cars makes the exercise almost meaningless.

So I would say to the sponsor, if you really want to go forward with something and have some real meaning to it, and try to bring some systemic change or systemic overview of the area of cars, then let's do it for all the departments.

Finally, I'm happy to hear the sponsor say that the thresholds that was discussed earlier are arbitrary. There is on the books a law. There's a law on the books by Legislator Levy at the time who put in legislation that addressed a far greater problem than just the one that some seem to believe of these 23 cars. Now's the fact that we have some County employees in other departments going from Western Suffolk to Eastern Suffolk, spending more time going from their home to work than from work to other work stations.

Legislator Levy put in legislation that was supported on a bipartisan basis that did set objective, nonarbitrary thresholds as to what has to be done, which is at least half of the mileage, at least half of the mileage has to be noncommutation. That's on the books, and that's what I think most of us have probably complied with. But this arbitrary threshold that even the sponsor just talked about, that shouldn't be the standard for meaningful legislation. The standard for meaningful legislation is to see whether it complies with current laws, and to also see whether or not, not just 23 cars, but cars throughout the system are complying with the Levy Law. That's meaningful legislation.

D.P.O. CARACAPPA:

Legislator Vilorio-Fisher.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair. Legislator Caracciolo, I mentioned the first resolved, Paragraph B, I think the last time that we discussed this legislation. I don't know if you've made any changes to that particular part of the legislation. However, based on what Budget Review has already said today and represented, that commuter mileage as opposed to business related mileage for members of the Legislature has not been clearly defined, it's not clearly defined within this legislation. Is your driving from your home to a Legislative committee meeting in Hauppauge business related or is it commuter? I think that was -- or coming to a Legislative session, is that commuter driving or -- because that's where your work is for that day. I believe that Paul Sabatino had said that there is some question about that.

And if you look at Paragraph B, it says, "A determination as to which such vehicle assignments should be discontinued -- by the way, so we're not asking just for an audit, we're asking for a determination -- on the basis that commuter mileage or personal use mileage of the vehicle exceeds business related mileage for any such individuals." So we have -- we need the parameters to be set here, what constitutes four Legislators commuter mileage and what constitutes business related mileage. I don't think that that has been a clearly defined area of data that we need to look at. And I had requested that that part of the legislation be looked at or perhaps corrected before I'd be willing to approve of this legislation.

LEG. CARACCILOLO:

Okay.

D.P.O. CARACAPPA:

Mike Caracciolo.

LEG. CARACCILOLO:

Thank you, Mr. Chairman. First, let me respond to Legislator Foley before I respond to the constructive suggestion made by Legislator Vilorio-Fisher.

Brian, I think you heard the Chairman say that the Budget Review Steering Committee denied the request to take a look at this, because it would be too time consuming for the Budget Review

to look at 23 vehicles. So now you want to hamper the effort by including the entire County fleet of over 2,000 vehicles. That's nothing more than a stalling tactic; okay? You want to set objectives for everybody else, but you don't want to set objectives for ourselves.

LEG. FOLEY:

That's not true.

LEG. CARACCILOLO:

That's a double standard.

LEG. FOLEY:

That's not true.

LEG. CARACCILOLO:

Well, I hope that's not true. And I'll take your word --

LEG. FOLEY:

That's not fair.

LEG. CARACCILOLO:

I'll take your word that that's not your intent. Your suggestions that you have made, Ms. Viloria-Fisher, are constructive ones. I will consult with the County Attorney and Legislative Counsel to see if we can frame a County Legislative vehicle use policy, if for no other department except our own, at least the Legislature, and carve that separate and apart from this resolution. I think that's constructive, I think that's a step in the right direction, and accordingly, I will make a motion today to table this resolution to amend it for that purpose. And I request now, if there's any other member of the Legislature that would like to make a suggestion that would not impede the effort to just get some raw mileage data, I'm open to it. But if the intent is to obscure from the public what vehicle assignments there are and how much those vehicles are being used, then I'm not in favor of it. Thank you.

D.P.O. CARACAPPA:

Okay.

LEG. VILORIA-FISHER:

Well, clearly, the date would have to be changed.

D.P.O. CARACAPPA:

There's a motion and a second already to table. All in favor? Opposed? Abstentions?

LEG. BINDER:

Opposed.

D.P.O. CARACAPPA:

Opposed, Legislator Binder. 1357 is tabled.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1357 is tabled. **1391 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the purchase of Environmental Health Laboratory Equipment (CP 4079).** This is a three-quarter vote.

LEG. FOLEY:

Motion.

D.P.O. CARACAPPA:

There's a motion by Legislator Foley.

LEG. VILORIA-FISHER:

Second.

LEG. GULDI:

Second.

D.P.O. CARACAPPA:

Second by Legislator Guldi.

LEG. FOLEY:

Just on the motion. We tabled it at the last meeting. Mr. Chairman, I hope that we could approve it. This is important laboratory equipment for the Environmental Health portion of the Health Department in order for them to follow through on their mission, as so described within their handbook, so I hope we can approve this today.

D.P.O. CARACAPPA:

Once again, this is a 14-voter. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. GULDI:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Pass.

LEG. ALDEN:

No.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCILOLO:

Yes.

D.P.O. CARACAPPA:

No.

LEG. GULDI:

Motion to table.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Motion to table by Legislator Guldi.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Second by Legislator Foley.

LEG. BISHOP:

You don't have -- you don't have 14?

D.P.O. CARACAPPA:

All in favor? Opposed? Abstentions? Tabled.

LEG. CARPENTER:

I passed. He never came back to me.

LEG. BISHOP:

How does he know he doesn't have 14?

LEG. VILORIA-FISHER:

Oh, he never came back.

MR. BARTON:

They interrupted me.

D.P.O. CARACAPPA:

There was a motion to table.

LEG. BISHOP:

It should be just one, two, three opposed.

D.P.O. CARACAPPA:

It was going to fail.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1424 (Adopting Local Law No -- 2003, a Local Law to streamline County government by repealing costly laws, archaic statutes, superfluous boards, and duplicative commissions). Motion to table by myself based on a corrected copy that's just been filed. And just so you know, Legislator Foley, the Rhabdomyosarcoma Board was removed. Motion to table by myself, second by Legislator Foley. All in favor? Opposed? Abstain?

MR. BARTON:

16. (Not Present: P.O. Postal).

D.P.O. CARACAPPA:

1424 is tabled. **1489 - Rescinding authorization to sell County owned property pursuant to Section 215 (of the New York County Law, Al Grimes).** Is there a motion?

LEG. FOLEY:

Explanation.

D.P.O. CARACAPPA:

This was tabled -- this was tabled the last time, because the Legislature wants to know if this person was given one last chance by Real Estate, I guess, to --

LEG. BISHOP:

To make the payment, to make the --

D.P.O. CARACAPPA:

To make the payment, correct.

LEG. LINDSAY:

Do we have the answer to that, were they given the chance?

LEG. GULDI:

Could we skip over it and obtain the answer to that?

LEG. ALDEN:

Motion to table until after the public hearings.

D.P.O. CARACAPPA:

Yeah, it doesn't say -- yeah.

LEG. BINDER:

Just postpone.

LEG. BINDER:

Cameron, just say postpone, motion to postpone.

D.P.O. CARACAPPA:

I'm going to make a motion to table outright.

LEG. BISHOP:

Second.

D.P.O. CARACAPPA:

Second by Legislator Bishop.

LEG. LINDSAY:

We don't have the information yet?

D.P.O. CARACAPPA:

No. All in favor? Opposed? Abstain?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1489 is tabled. **1500 - authorizing the sale of surplus County car (showmobile) to the Town of Southampton.**

LEG. GULDI:

Motion to approve.

LEG. CARPENTER:

Motion to table.

D.P.O. CARACAPPA:

There's a motion to approve.

LEG. ALDEN:

Second.

D.P.O. CARACAPPA:

Is there a second to the motion to approve?

LEG. ALDEN:

Oh, no.

LEG. BISHOP:

I'll second. I'll second approval.

D.P.O. CARACAPPA:

Okay. There's a second to the motion to approve. There's a motion to table by Legislator Carpenter, second by Legislator --

LEG. GULDI:

On the motion to table. This is the third month --

D.P.O. CARACAPPA:

-- Alden.

LEG. GULDI:

-- this is before us. It's been tabled twice at the request of Legislator Carpenter, who obtained information the first month. I mean, the information's been obtained.

LEG. CARPENTER:

No, it hasn't, if I could respond.

LEG. GULDI:

Has it been requested?

LEG. CARPENTER:

Yes. If I could respond.

D.P.O. CARACAPPA:

If anyone wants to speak, just give me -- Legislator Carpenter.

LEG. CARPENTER:

If Legislator Guldi is done, I'd like to respond. We did raise this in the Parks Committee with the Commissioner and she's looking into it, so we hope to have that information at the next meeting.

LEG. GULDI:

Yeah. The information about the condition of the vehicle --

LEG. CARPENTER:

Well, as to why --

LEG. GULDI:

-- is from Department of Public Works.

LEG. CARPENTER:

As to why we did not consider keeping it as part of our inventory, so that we could use it in a stationary condition at either Southaven or Cathedral Pines, or one of the County facilities. And she was also going to check with the Suffolk County Committee for camping to see if they wanted to take it on as a project, to perhaps paint it and do some of the refurbishing, so that they could use it when they have their camporees and events at the various County parks.

LEG. GULDI:

Yes, but the relevant --

LEG. CARPENTER:

So that should answer the question.

LEG. GULDI:

No, actually, it doesn't answer my question, because what it doesn't answer is the condition of the vehicle, which is why it's been surplused. And the condition of the vehicle is information that should be obtained from the Department of Public Works. That's why we tabled it three months ago. That request hasn't been made. I'm going to suggest, before you take on considering reusing it, that you'll find out what its condition is. The reason that we surplused it is that it's not economic, and that, frankly, the Department of Public Works has ascertained that it's not in the County's interest to incur the future liability of costs for maintaining this thing. That's why it's surplused.

D.P.O. CARACAPPA:

You still have the floor, Angie.

LEG. CARPENTER:

Thank you. The Commissioner was looking into what the cost of refurbishing. They did not have that information at their fingertips when we raised the issue in the committee last week or two weeks ago. And I seemed to sense, and other members of the committee could agree with me or not, but I seemed to sense a genuine willingness on the part of the Commissioner and the Department to seriously consider keeping this, because the whole intention of getting the showmobile, or the new one that was purchased two years ago, you know, part of the reason and justification was that the County of this size and the number of events that are put on, that one showmobile just wasn't sufficient.

D.P.O. CARACAPPA:

Legislator Nowick.

LEG. NOWICK:

Legislator Guldi, it wasn't that we were --

LEG. FOLEY:

Can't hear you.

LEG. NOWICK:

It wasn't that we were totally opposed, we were just looking into different ways to make this cost effective for the County, and the Commissioner was going to look into various suggestions, and one of them being having Southampton keep the showmobile, do the repairs to it, but possibly have the County -- let us be able to use the showmobile when we want it, so it's not -- so, if we sell it for \$200, we felt we were probably losing out. So we're looking into different ways of doing this. We weren't giving up on this, just so you know.

LEG. GULDI:

Okay.

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Legislator Carpenter touched on the point that I was going to make, that when we originally approved the purchase of a new vehicle, it was presented to us that -- and the presentation took place in the Parks Committee, that we would end up with two showmobiles. So we're actually looking at that policy and we're going to get an answer on that also.

D.P.O. CARACAPPA:

Just final discussion, in the notes here, it said that Commissioner Gordon acknowledged that Parks never did a study of what it would cost to fix the showmobile. And when she was questioned, she also went on to acknowledge that they guessed the cost to fix the showmobile in question was about \$10,000. That was a guesstimate. God bless you, Bill.

LEG. LINDSAY:

Thank you.

D.P.O. CARACAPPA:

That was a guesstimate, so -- and that's what she said on the record. And he's been blessed on the record by me, which means you're going straight down.

LEG. VILORIA-FISHER:

You're in trouble, Bill.

D.P.O. CARACAPPA:

So there is a motion to table and a second. All in favor? Opposed?

LEG. GULDI:

Opposed.

LEG. BISHOP:

Opposed.

D.P.O. CARACAPPA:

Opposed, Legislator Guldi.

LEG. FOLEY:

Opposed.

D.P.O. CARACAPPA:

Foley, Bishop. Abstain? It's tabled.

MR. BARTON:

13. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1506, 1506A - Amending the 2003 Capital Budget and Program and appropriating funds for the purchase of equipment for groundwater monitoring and well drilling (CP 8226).

LEG. FOLEY:

Motion to approve.

LEG. GULDI:

Second.

LEG. VILORIA-FISHER:

Second.

LEG. FOLEY:

On the motion.

D.P.O. CARACAPPA:

This also is a three-quarter vote?

LEG. FOLEY:

Yeah. On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Foley.

LEG. FOLEY:

I hope those who had voted in the negative for the prior resolution would support this. If you look at the backup to this resolution, many of us around the horseshoe have spoken about the need for greater monitoring and investigation of hazardous waste sites and petroleum spills, brown field sites, pesticide and herbicide contamination of the aquifer, leachate plumes, salt water intrusion studies, hydrogeologic explorations, this is all outlined as to how the equipment would be used if the department is allowed to purchase it. It's a March 4th memorandum from Vito Minei to Commissioner Mermelstein.

I hope that we can unanimously support this. Many of us in our districts, unfortunately, have had the occasion where we had to use this equipment by the Department for a variety of spills or underground contamination. So the Department needs this. They have older equipment. It's not in the best of shape, so they need new equipment in order to do the things that we have asked them to do time and again in the past and which they need to do in the future as well. So I hope we -- there's enough -- more than 14 to support this motion,
Mr. Chairman.

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Just for the record, I don't oppose any of the uses of the funds that would be expended here, but

I do have a big problem with the source of the funds.

LEG. CARACCIOLO:

Mr. Chairman.

D.P.O. CARACAPPA:

I'll put you on the list, Mike. Legislator Bishop.

LEG. BISHOP:

I agree with Legislator Alden, as does the Deputy Presiding Officer. That's been our position for several months now. I just think it's worthwhile to ask Budget Review to --

LEG. LINDSAY:

Can't hear you, Dave.

LEG. FOLEY:

Can't hear you, Dave.

LEG. BISHOP:

I don't know why. Is this not working?

LEG. LINDSAY:

No. On this side of the horseshoe, we have a hard time hearing.

LEG. BISHOP:

I think it's worthwhile to ask Budget Review to tell us why this is a three-quarter resolution.

MR. SPERO:

The resolution changes the source of funding from General Fund transfer or Operating Funds to serial bonds, and the reason that's being done is because the budget didn't contain sufficient operating funds to put in for these projects.

LEG. BISHOP:

Right.

MR SPERO:

These pay-as-you-go projects.

LEG. BISHOP:

Exactly. So we are starting on a path with this and the other resolutions that require a three-quarter vote of borrowing rather than making the tough choices of whether to cut something else in the budget or to increase revenue. And the worst possible policy, and I've said numerous times, is to borrow your way out of tough times, and this, clearly, is an attempt to do that. And Legislator Alden, Legislator Caracappa, and myself have continually warned this Legislature that this is the path that Nassau County went down in the 1980's, that New York City went down in the 1970's, and every time a municipal government walks that path, it ends up in a bad place.

D.P.O. CARACAPPA:

Legislator Vilorio-Fisher.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair. And I agree with the statements made by Legislators Alden and Bishop. And we do have to be very, very careful when we're talking this path, but we also have to look at the importance of various -- various practices here in Suffolk County that we must continue.

We have recently put together a Task Force to look at agricultural management and practices in our agricultural areas. We need to monitor our groundwater, we need to monitor our wells to know what kind of -- what kind of harmful effects occur from not practicing good management agricultural methods. And in order to gauge whether we're doing -- going in the right direction, we must have the right equipment that allows us to monitor what we're putting into our environment. This is critical equipment. We need to have it in order to gauge where we're going. And it's a hard decision, but I think it's one that we must support for the well-being of our future and the health of our population. So I urge everyone to consider this very carefully. We know it's a serious decision, but this is critical to our well-being.

D.P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. Mr. Pollert, I always find it amusing when I hear my colleagues who --

one of whom spoke before Vilorio-Fisher, talk about the need for being tough during tough fiscal times, yet it's my recollection that the Minority Leader and others who supported this year's budget, last year's budget, did so knowing full well that they were waiving a longstanding policy, and a good one, in terms of financial management, the 5-25-5 policy, as well as other time honored and proven wise financial management tools. It's interesting how they flip-flop on these issues, especially around election time. But having said that, there is nothing that we do that is more important, and we take an oath to this effect, than to protect the public's health and safety.

I'd like to know, Mr. Pollert, that since this is a bonded matter, rather than an Operating Budget matter, what is the interest cost associated with this expenditure of \$180,000. Above and beyond the \$180,000, what are we really voting on today?

MR. SPERO:

For these kinds of five-year useful life -- useful life projects, the Comptroller's doing a rolling note program, that is he's issuing short-term one-year notes, which will be renewed every year for a period of five years. Currently, one-year rates are just above 1%. Our last short-term borrowing was a net interest cost of just over 1%.

LEG. CARACCIOLO:

What would the additional -- what would the interest cost on this \$180,000 borrowing be, Jim?

MR. SPERO:

About \$10,000.

LEG. CARACCIOLO:

Ten thousand dollars. So you go tell your constituents in the Fourteenth District and elsewhere that you didn't support making sure that the County had the equipment to test groundwater because you didn't want to spend \$10,000. I'll make that argument and I'll win that argument every time in my district. Thank you.

LEG. BISHOP:

May I? I'm on the list?

LEG. LINDSAY:

Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. The backup had an average interest rate of 3%. If, in fact, it's true, that it's closer to 1%, then it's going to be even a smaller amount than the answer given to Legislator Caracciolo. The total interest on 3% was 18,727, but, certainly, if it's closer to 1%, then it's going to be one-third of 18. So my point is that, certainly, is not going to bring us anywhere near to the malfeasance of practices in Nassau County. This resolution is not even a drop in the ocean compared to what happened in Nassau County. So I couldn't -- I don't think we should make that argument so much to oppose the bill.

But, secondly, the fact of the matter is, given the importance of this equipment, given the very small interest charge on this equipment, and since there's only a couple of resolutions like this, and, therefore, is not even close to what happened in Nassau, which took decades to accumulate, the fact of the matter is I believe this is a wise use of indebted monies in order to fulfill our responsibilities and the department's responsibilities of protecting the public's health.

LEG. LINDSAY:

Legislator Bishop.

LEG. BISHOP:

Thank you. My colleague and friend from the First District refers to what he perceives as problems with consistency on my part. I would remind him that when we did the budget, I offered an amendment to increase the amount in the contingency fund, so we wouldn't have this day, where we're borrowing to pay for what we ought to pay for out of the Operating Budget. That has been my consistent policy all along.

What is also consistent is that he misses the point. The point is not that interest rates are low at the moment, of course they're low, but if you borrow, you're only paying the interest, you're deferring the principal as well, so you're getting hit twice. This is a foolish policy.

And to Legislator Foley who says, "Well, it's a small amount," do you think that New York City and Nassau County took one vote decades ago to be reckless? No. What happens is over time, it becomes the easy way to handle your budget, and we shouldn't go down that path. And it's becoming all too easy around here. There are several three-quarter vote resolutions, all of

which are further steps down the road that all of you know we should not take.

D.P.O. CARACAPPA:

Legislator Vilorio-Fisher.

LEG. VILORIA-FISHER:

As a Legislator with whom Legislator Caracciolo agrees on this issue, I do, however, take some umbrage at assigning to any Legislator political motives when he's making -- Legislator Bishop has been very consistent, and I'm trying to be an apologist for Legislator Bishop, but I have seen him be -- act very consistently on this. And I think assigning political motives or saying it's campaign season I think is unfair. And so I think we should treat one another with respect and not assign negative motives to what people do and how they behave. Good people can have differences of opinion on --

LEG. BISHOP:

Yeah, Mike.

LEG. VILORIA-FISHER:

-- any issue.

D.P.O. CARACAPPA:

That's well said, Legislator Vilorio-Fisher. Legislator Foley.

LEG. FOLEY:

No.

D.P.O. CARACAPPA:

You're good?

LEG. FOLEY:

No, thank you, Mr. Chairman.

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

These purchases would be for the Health Department? This is a question to Budget Review.

MR. POLLERT:

Yes.

LEG. ALDEN:

And what's the Health Department's current budget for this year?

MR. SPERO:

About 200, 200 million.

MR. POLLERT:

Yeah, yeah, it's more than 200 million.

MR. SPERO:

It's more than 200 million.

LEG. ALDEN:

Two hundred million. Okay. Thanks.

D.P.O. CARACAPPA:

Okay. There's a motion to approve and a second. Oh, I'm sorry, Legislator Nowick was next. My apologies, Lynn.

LEG. NOWICK:

I'm sorry. Just a question. Did you say that you borrow this once a year at a short term?

MR. POLLERT:

Yes. However, at this point in time, we know that the short-term rates are relatively low, but --

LEG. NOWICK:

Is that why you do it --

MR. POLLERT:

-- it's rolled out year after year after year. So next year, the rates could be higher in year three, they could be higher in year four, they could be higher, but the rolling note program enables the County to take advantage of a trend in interest rates when they were going down.

LEG. NOWICK:

Oh, okay. That's what I wanted to understand. Thank you.

D.P.O. CARACAPPA:

There's a motion and a second. I'm going to make a motion to table just for the sake of keeping it alive, second by Legislator Foley. All in favor? Opposed? Abstentions? It's tabled. **1529.**

MR. BARTON:

16.

D.P.O. CARACAPPA:

Naming the ball field at Citibank Park "Senator Owen H. Johnson Field".

LEG. ALDEN:

On the motion.

D.P.O. CARACAPPA:

There's a motion to approve by Legislator Carpenter, second by Legislator Bishop. On the motion, Legislator Alden.

LEG. ALDEN:

This was tabled, and we're waiting for our -- I'm not sure which department would handle it, but probably the Legal Department to give us just a little bit of information on whether this is going to interfere with the contract.

MR. FALK:

We're just waiting for a letter from Citibank Park -- from Citibank about the naming.

D.P.O. CARACAPPA:

Right. I spoke yesterday with them and through the Public Works Department. They've had verbal communications with Deputy Commissioner Mitchell. They gave a verbal okay at this point in time, and we wanted it on hard copy through a letter from Citibank stating the same, so we're waiting on that and that's coming. So it's up to the Legislature today to either say, "Okay, the letter's coming, we're going to do this out," or wait one more cycle, so that we do have it in hand. I would suggest tabling it one more meeting.

LEG. ALDEN:

Second to table.

D.P.O. CARACAPPA:

So there's a motion to table by myself, second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1563 - Authorizing the sale of four surplus County cars to Village of Patchogue.

LEG. FOLEY:

Proudly, make the motion to approve.

D.P.O. CARACAPPA:

Legislator Foley makes the motion, second by Legislator Bishop. On the motion, Legislator Alden? No, yes?

LEG. ALDEN:

I'm going to make a motion to table.

D.P.O. CARACAPPA:

Motion to table by Legislator --

LEG. FOLEY:

On the motion, please.

D.P.O. CARACAPPA:

Hold on.

LEG. CARACCILO:

Second.

D.P.O. CARACAPPA:

There's a motion to table by Legislator Alden, second by Legislator Caracciolo. On the motion, Legislator Alden.

LEG. ALDEN:

We have some data in front of us that shows a substantial amount of money that a practice of giving away cars for \$200 has cost us, and it could be anywhere, I believe, from the Comptroller's report, from \$116,000 up to the \$160,000 range. I think that we all have to understand a little bit more about how this process is working, and I think that we owe it to our constituents. We made major cuts in programs that are supplied by not-for-profits. We've cut 10% across the board. Each one of us gets many, many calls, I would assume, during the course of a day from not-for-profits that are asking for refunding of that money. If we are giving these to other taxing jurisdictions, I don't think we're being fair to our constituents, I don't think we're being fair to the people that supply other types of services for Suffolk County, and I think we have to take a long hard look of this process of actually deeding -- not deeding, but selling these cars for less than what the value is that we could get at auction.

D.P.O. CARACAPPA:

Dave.

LEG. BISHOP:

Yeah. I speak to defend a practice which has suddenly become much maligned, which is for the County to take surplus vehicles, vehicles that the County has deemed, not the Legislature has deemed, but the County agencies that use them, no longer usable, and to transfer them to not-for-profit agencies. What's the difference between that or other levels of government? What's the difference between that and any grant program that we have?

You know, when a not-for-profit gets this vehicle, presumably, it's deferring a cost that they would otherwise incur. And where would they go for the additional support? They'd come back to the Legislature and say, "Oh, our expenses went up," or, "We need a vehicle to do our function properly." So it's actually an efficient way for us to provide grants. It's probably more efficient than continually increasing the budgets to the not-for-profits each year. I would suspect, I don't know this to be a fact, that the overall effect of this program is to assist County taxpayers in that we don't have as much pressure to provide more tax dollars to not-for-profits and direct subsidy, rather through this indirect subsidy of transferring surplus vehicles.

D.P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. My remarks, not only on this particular resolution, but those that follow, that there's been a long tradition, if you will, of this County working closely with school districts, not-for-profit agencies and village governments in order to help them meet their mission within their particular political boundaries. The fact of the matter is, over a long period of time, there's been a positive, good working relationship between this County and villages in a number of ways. These kinds of resolutions help cement that relationship. These kinds of resolutions show that we're working cooperatively with our counterparts in village government and/or school districts.

As Legislator Bishop just mentioned a few moments ago, County departments are surplusing these vehicles, because they think there's of little use to those particular departments. The value is a rather small amount of value for the dollar amount, and the fact of the matter is we will be assisting, and here's the key point, we will be assisting another level of government and other school districts in what they need to do by giving these vehicles at a low discounted price, so that they can do the things that their constituents need. And it's also a way of us cultivating those relationships, which are important to cultivate with school districts and with local government, particularly villages, so that we can have a working relationship in the years ahead.

So it's not only a dollars and cents issue, it's also the sense of trying to work and cultivate a positive working relationship with these villages and school districts in order for us to work together and harmoniously for those who we both represent. Thank you.

D.P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

I just wanted to add that I think we should move forward with these today, because it's been our policy, and these have already been -- as far as I know, two of them are my resolutions, so it sounds rather self-serving, but the reality is, is that this is a policy that we've been practicing.

I would support, and I'll cosponsor, if someone wants to cosponsor with me, a policy to stop this practice and auction off all surplus. Dave wants to yank the microphone away from me now. But we should -- and auction off all surplus vehicles, so we can add to the County coffers. But rather than have these sit on our agenda and continue to sit on our agenda, my understanding is agreements have already been reached with the school districts and other entities to purchase these cars at the prices stated here. So it would sort of be disingenuous of us to reach an agreement with another party as to what we're doing with them, and so I think we either approve them all or fail them all, but let's not continue to table them.

I support passing these, but, Legislator Alden, I think your point is well taken, and, certainly, I don't want to take the legislation from you, but if that's the intention, I would certainly support a policy to auction off all surplus vehicles.

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

I just had to add one more point that I neglected to mention before. We do have people in the Probation Department and we've got nurses that are actually employees of Suffolk County and we have them driving around in their own vehicles, and Probation sometimes goes to people that are not of the most upstanding character. They're at risk of having some of those people that they're monitoring follow them home and they're using their own private vehicles.

If these vehicles are good enough for a school district to use, or for somebody else to use, then maybe we should just examine our policy of surplusizing vehicles and keep these in the County fleet a little bit longer. So, if we're passing on things that are usable, then maybe we're making

a mistake and we owe it to our constituents, who we take their tax dollars to go and make these decisions.

D.P.O. CARACAPPA:

Legislator Carpenter.

LEG. CARPENTER:

Thank you. I am going to support the tabling. I have -- when I received my copy of the audit, I started working on legislation to address the situation, and as soon as it's completed, I would be happy to share it with everybody. It kind of got delayed with Paul's hospitalization. But I don't believe -- I mean, I have no problem supporting transferring these to not-for-profits, but I don't feel it's appropriate to transfer them to other -- other municipalities who are taxing entities, because I was under the impression that we were not permitted to gift to other municipalities. So that when you're transferring a vehicle that's below fair market value, you, in essence, are gifting, so these are some of the things that Paul is researching and will be included in the legislation.

D.P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Budget Review, the backup that I have to this resolution is from DPW to the Clerk of the Legislature. Maybe I should address the question to Henry, then. Henry, are you familiar with the memorandum that's attached to the backup

MR. BARTON:

I don't have it front of me.

LEG. CARACCIOLO:

You don't have a copy? All right.

MR. BARTON:

No.

LEG. CARACCIOLO:

Then maybe if I refer to it, it will refresh your memory, and if not, maybe Budget Review has a copy. This is a memo dated June 9. It's to the Clerk and it reads as follows: "The organizations listed below have requested resolutions authorizing the purchase of surplus County vehicles. Please forward this information to the appropriate members of the Legislature for their consideration. Thanks for your help." Then it has a list of vehicles, Legislative names, or school districts and other entities that would be recipients of the surplus vehicles.

And it's very interesting, maybe if Dave is still in the room, Legislator Bishop, you total it up, the value, just on this one resolution that they have assigned to these four vehicles, despite the legislation, which would sell them the vehicles for \$1,000, they indicate a fair market value of \$18,000. I would submit that given the previous resolution, where Mr. Bishop and others were concerned about interest costs, that if we just recoup from the sale of these vehicles their full value, we could more than meet the needs of purchasing the equipment for the Health Department that we need without forfeiting the funding to purchase that equipment with.

So this is another give-away. This ignores the recent Comptroller's audit report, and I think those who support it do so with full knowledge, now, of what they're doing. Thank you.

D.P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. Just a couple of comments to some of the things that were said by my colleagues. The question about using these vehicles by other County departments such as Probation begs to ask the question, why were they excessed in the first place. Evidently, you know, they're not road worthy or they're too expensive to keep on the road. I know, in my district, the school districts that are the recipient of the vehicles, a lot of times they don't leave the property, they don't go out on the open road. They're used for security purposes within the confines of the school campus, or sometimes they're even used to experiment on in auto shop.

As far as the legality of what we're doing here, this is part of the County Charter, and I think, if we do want to change this policy, and I think I have a solution to that, we have to change the Charter. And I think the solution is simple, and I'm willing to present this as a resolution, that we offer these vehicles for auction first, if they don't get their market value, then we can be -- give them to -- or give them for a nominal price to school districts and not-for-profits after they

hit the auction block, because, personally, I don't believe the values that have been assessed to these vehicles are realistic. I don't think that they'll command the prices that were taken out of a book. And when the resolution on my four vehicles that I'm sponsoring comes up, I intend to table it subject to this Charter resolution change.

D.P.O. CARACAPPA:

Anyone else? Okay. So on 1563, there's a motion to table; correct, Mr. Clerk?

MR. BARTON:

Yes.

D.P.O. CARACAPPA:

All in favor? Opposed?

LEG. FOLEY:

Roll call.

D.P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. ALDEN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present)

LEG. BINDER:

Pass.

LEG. BISHOP:

Pass.

LEG. NOWICK:

Yes.

LEG. CRECCA:

No, to table.

LEG. CARPENTER:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Is this the tabling resolution?

MR. BARTON:

To table, yes.

LEG. LINDSAY:

No.

LEG. BISHOP:

I'm a no.

LEG. FOLEY:

No.

LEG. VILORIA-FISHER:

No.

LEG. O'LEARY:

No.

LEG. GULDI:

No.

D.P.O. CARACAPPA:

No.

LEG. TONNA:

Yes to table.

LEG. FIELDS:

Henry, change my vote to a no.

MR. BARTON:

Seven. (Not Present: P.O. Postal). (Vote Amended to 8)

D.P.O. CARACAPPA:

There's a motion to approve by Legislator Foley.

LEG. FOLEY:

Motion.

D.P.O. CARACAPPA:

Second by myself.

LEG. CARACCIOLO:

Roll call.

D.P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes, to help the Village of Patchogue.

LEG. BISHOP:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Pass.

LEG. BINDER:

Pass.

LEG. NOWICK:

Pass.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Abstain.

LEG. ALDEN:

No.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCILO:

No. Save taxpayers' money.

D.P.O. CARACAPPA:

Yes.

LEG. TONNA:

No.

LEG. BINDER:

No.

LEG. NOWICK:

No.

MR. BARTON:

Ten. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

It's a two-thirds vote; correct?

LEG. VILORIA-FISHER:

Oh, it needs two-thirds?

MS. BURKHARDT:

Yes, two-thirds.

LEG. VILORIA-FISHER:

Why?

D.P.O. CARACAPPA:

Two-thirds, transferring surplus property.

LEG. FOLEY:

I have the -- just have our Counsel resubmit the legislation, resolution, please.

D.P.O. CARACAPPA:

M.J., do you have that? Thank you. According to Counsel's notes, a two-thirds, based on the transfer of surplus property.

LEG. FOLEY:

Okay.

LEG. ALDEN:

General Municipal Law.

D.P.O. CARACAPPA:

1564 - Authorizing the sale of three surplus County cars to Southampton School District.

LEG. GULDI:

Motion to approve.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Motion to approve.

LEG. CARACCIOLO:

Roll call.

D.P.O. CARACAPPA:

Second by -- motion to approve by Legislator Guldi, second by Legislator Foley. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. GULDI:

Yes.

LEG. FOLEY:

Yes. And cosponsor, please.

LEG. COOPER:

Yes.

LEG. TONNA:

Pass.

LEG. BINDER:

Pass.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Abstain.

LEG. ALDEN:

Nope.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCIOLO:

No.

D.P.O. CARACAPPA:

Yes.

LEG. TONNA:

No.

LEG. BINDER:

Yes.

MR. BARTON:

11. (Not Present: P.O. Postal)

LEG. FOLEY:

Hey, I'm getting there.

D.P.O. CARACAPPA:

It fails. **1565 - Authorizing the sale of four surplus County cars to Sachem School District.**

LEG. LINDSAY:

Table.

D.P.O. CARACAPPA:

Motion to table by the sponsor, second by myself. All in favor? Opposed? Abstentions? 1565 is tabled.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1566 - Authorizing the sale of two surplus County cars to Hauppauge School District).

Legislator Crecca.

LEG. CRECCA:

I guess with the trend, I might as well table it.

D.P.O. CARACAPPA:

Motion to table by Legislator Crecca, second by Legislator Bishop. All in favor? Opposed? Abstentions? It's tabled.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1567 (Authorizing the sale of two surplus County cars to Commack School District).

Same motion, same second, same vote.

MR. BARTON:

16. (Not Present: P.O. Postal).

D.P.O. CARACAPPA:

1574 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the acquisition of a Disaster Recover Plan (CP 1729).

LEG. GULDI:

Acquisition of a plan?

D.P.O. CARACAPPA:

Disaster Recovery Plan.

LEG. FOLEY:

The acquisition of a plan.

LEG. GULDI:

That's what it says.

D.P.O. CARACAPPA:

This is a two-thirds vote.

LEG. FOLEY:

Explanation on this.

D.P.O. CARACAPPA:

This resolution would convert from pay-as-you-go to serial bonds for implementation of a Disaster Recovery Program for Informational Services, Building Number 50, in the event that a catastrophic event makes it inaccessible, because this is where the internet and high tech communications are secured. Two hundred thousand dollars in serial bonds would be appropriated. Actually, this is a three-quarter vote. It's \$228,808 over a five-year period of 3%.

LEG. BINDER:

Motion. Motion.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Binder, second by Legislator Carpenter.

LEG. CRECCA:

Roll call.

D.P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Pass.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

No.

LEG. FIELDS:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Pass.

LEG. GULDI:

Yes.

LEG. CARACCILOLO:

Pass.

LEG. BISHOP:

Motion to table.

LEG. CRECCA:

Second.

D.P.O. CARACAPPA:

Motion to table by Legislator Bishop, second by myself. All in favor? Opposed? Abstentions?
1574 is tabled.

MR. BARTON:

16.

LEG. BISHOP:

I just wanted -- on the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Bishop.

LEG. BISHOP:

There are -- there are amendments to the Capital Budget that do not require 14 votes today.

D.P.O. CARACAPPA:

Correct.

LEG. BISHOP:

And in those cases, the Department and the Administration found offsets.

D.P.O. CARACAPPA:

Correct.

LEG. BISHOP:

And that's what I would urge them to do with something as important as disaster recovery.

There are ways to get this done that -- and the Administration needs to pursue it.

D.P.O. CARACAPPA:

In fact, just to take that one step further, recently, Legislator Foley had asked Budget Review for a whole list of possible offsets for the Fiscal Year '03 with relation to capital dollars and there was quite a few. So we should be looking at offsets, as opposed to three-quarter vote resolutions.

1577 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, and amending the 2003 Operating Budget, amending the 2003 Capital Budget and Program, and appropriating funds with the SCADA (Surveillance, Control and Data Acquisition) System for sanitary facilities in Suffolk County Sewer Districts (CP 8165).

Is there a motion?

LEG. FOLEY:

Motion.

LEG. CARPENTER:

Can we get an explanation?

D.P.O. CARACAPPA:

This is -- this is --

LEG. VILORIA-FISHER:

Second.

D.P.O. CARACAPPA:

Sure. It's a three-quarter vote.

LEG. FOLEY:

It's transferring, it's not --

D.P.O. CARACAPPA:

This is --

LEG. FOLEY:

Why would there be three-quarters for a transference?

D.P.O. CARACAPPA:

This resolution would change method of financing from pay-as-you-go to Assessment Stabilization Reserve and requires a vote of three-quarters instead of two-thirds. Yeah, there was a corrected copy that I'd like to defer to Fred on.

MR. POLLERT:

It's a funding to change. However, the change is a relatively small one. What it's doing is changing it from sewer district funds to pay-as-you-go. It would be a loan from the Assessment Stabilization Reserve Fund.

D.P.O. CARACAPPA:

Which we've done on several occasions.

MR. POLLERT:

We have and --

D.P.O. CARACAPPA:

Right. Okay. It's very good.

MR. POLLERT:

So it's 14, but it's avoiding borrowing.

D.P.O. CARACAPPA:

We're paying cash, actually, we're lending it to ourselves. All in favor? There's a motion and a second to approve. All in favor?

LEG. VILORIA-FISHER:

I'm the second.

D.P.O. CARACAPPA:

Opposed? Abstentions? It's approved.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

It's approved. **1583 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with airport fencing and security system at Francis S. Gabreski Airport (CP 5721).** This is a two-thirds vote. There is an offset, but keep in mind, the offset that was used originally was Downtown Revitalization.

LEG. FOLEY:

Right.

D.P.O. CARACAPPA:

Has that been changed?

LEG. FOLEY:

Through the Chair, has the change been made in the offset? We had requested that of -- at the last meeting.

D.P.O. CARACAPPA:

Budget Review?

LEG. FOLEY:

If we could hear from the County Executive's Office, Mr. Chairman. We had asked for them to look at a different --

MR. KNAPPE:

This resolution utilizes Downtown revitalization money that's located in the Capital Budget. The money that is able to transfer to that Capital Project has been exhausted, which is similar to how I spoke at the last meeting. I believe that Budget Review spoke on the record, as well as the Budget Office, that this is a legitimate offset. As much as --

LEG. CARPENTER:

Legitimate, it's not appropriate.

MR. KNAPPE:

As much as Downtown Revitalization is important to the County Exec and the Legislature, the funding behind it has been spent. There is no more money in the Downtown Revitalization capital project to be expended. The transfer from the Operating Budget into the Capital has been exhausted. There was a resolution passed earlier this year by the Legislature. I also believe that the Legislature tapped into this Capital Project, as well as an offset, several meetings ago. So that would be the County Executive's comment on that resolution at this time.

LEG. CRECCA:

Motion to table.

LEG. FOLEY:

Just on the point, Mr. Chairman.

D.P.O. CARACAPPA:

Hold on. Hold on, Legislator Foley. There's a motion to table by Legislator Crecca, second by Legislator Carpenter, was it?

LEG. CARPENTER:

I'll second it.

D.P.O. CARACAPPA:

Second by Legislator Carpenter. On the motion to table, Legislator Foley.

LEG. FOLEY:

Thank you. If we could hear from the Budget Review Office. If the fund has been exhausted, how can it be an offset?

MR. KNAPPE:

The Operating money being transferred into the capital project has been exhausted.

LEG. FOLEY:

Right.

MR. KNAPPE:

So, therefore, this isn't a project that can be bonded.

LEG. FOLEY:

Right.

MR. KNAPPE:

Okay? So there is no more dollars from the Operating Budget to go into the Capital Budget for this purpose. So, therefore, the remaining funds in the capital project is a legitimate offset.

LEG. FOLEY:

And how much is remaining in that particular line item?

MR. KNAPPE:

I'll defer to Budget Review.

MR. SPERO:

One million one hundred and thirty thousand. At this point, it's 1,130,000. If this resolution's adopted, it will drop to 511,000.

LEG. FOLEY:

Now, that one million dollars could still be used for Downtown Revitalization purposes?

MR. SPERO:

Yes, but there's no -- as Ken pointed out, there are no operating funds to back it up.

LEG. FOLEY:

But there's -- you said there's not operating funds to back it up, but this is in the Capital Account line, correct, the Capital Budget line?

MR. SPERO:

Capital Project funded from the Operating Budget.

LEG. FOLEY:

Okay.

MR. KNAPPE:

I believe that the intent at the inception of this Capital Project was to capture the Downtown Revitalization money in the Operating Budget, have it go over into Capital, so it doesn't lapse at the end of the year, this way, that Capital Program can go from year to year. The money that was being transferred from the Operating Budget to the Capital Budget has already been adopted by this Legislature, and there is this remaining dollar amount in the capital project that is a legitimate offset to be used.

LEG. FOLEY:

So just one final question, Mr. Chairman. Thank you. Fred, we could offer a Capital Budget amendment to utilize those monies for some downtown infrastructure purpose; is that not correct?

MR. POLLERT:

No. The way the Capital Program was adopted, the Downtown Revitalization Program was to be funded with Operating Budget transfers, so it was never to be bonded. So what this resolution does is, because there are no General Fund transfers, it is using it as an offset, even though it's not backed with any cash.

LEG. FOLEY:

Well, then how can we do that for fencing, but we can't do it for some infrastructure improvement in the downtown.

MR. POLLERT:

You could, but there was an objection on the part of the Legislators to the use of Downtown Revitalization.

LEG. FOLEY:

All right. So we still -- so we can still use it for downtown purposes, then.

MR. POLLERT:

No, because --

LEG. GULDI:

It doesn't exist.

LEG. FOLEY:

Well, if it doesn't exist --

MR. POLLERT:

-- there's no G money to transfer it. It's just like when the County Executive's Office decided a few years ago to use sewer projects as an offset, you can do it, because the law allows you to do it.

LEG. FOLEY:

Right.

LEG. BISHOP:

It's fake.

LEG. FOLEY:

No. We have to bond it.

D.P.O. CARACAPPA:

We have to bond it is the bottom line. Legislator Carpenter.

LEG. CARPENTER:

I think the fact that the Downtown was put in the Capital Budget to preserve the policy of the Downtown projects and the Legislature's commitment to it, so to use that offset for fencing really just seems inappropriate, as far as what policy we had put forward. So I would recommend that they do find another offset.

D.P.O. CARACAPPA:

Keep in mind that the FAA has not given a strict timetable on this as of yet.

LEG. CARPENTER:

Right, it was not a requirement.

D.P.O. CARACAPPA:

So we do have some time to find another offset. Legislator Bishop.

LEG. BISHOP:

Correct me if I'm wrong. The reason, Budget Review, that we have a Downtown Capital Project is so that we can park funds from the Operating Budget, so that they don't expire at the end of the year; was that the --

MR. POLLERT:

That's correct.

LEG. BISHOP:

Okay.

LEG. CRECCA:

Right.

LEG. BISHOP:

Now, I understand that part of it. Now, I don't understand the next part of it. There's no money parked in there. This is seeking to use an offset with no money in it.

MR. POLLERT:

That's correct, because the law only requires an offset, it doesn't necessarily mean that --

MR. SPERO:

It has to be backed up.

MR. POLLERT:

That it has to be backed up with funds.

LEG. BISHOP:

Well, what's the point of an offset without offsetting funds? It's --

MR. SPERO:

Because it's the budget.

LEG. CARPENTER:

They're going to bond it.

LEG. CRECCA:

Because they're going to bond it.

LEG. CARPENTER:

They're going to borrow it, so --

MR. POLLERT:

Because it's going to be changed to --

LEG. CARPENTER:

That's Nassau County budgeting, right.

LEG. BISHOP:

Right.

MR. POLLERT:

-- serial bonds.

LEG. BISHOP:

All right. So I should be outraged, as I am, that this is flimflam, and this not just --

LEG. CARPENTER:

There you go.

LEG. BISHOP:

I'm opposed.

D.P.O. CARACAPPA:

There's a motion to table and a second. All in favor? Opposed?

LEG. BISHOP:

Outraged.

D.P.O. CARACAPPA:

Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal).

D.P.O. CARACAPPA:

It's tabled, and Legislator Bishop is outraged.

LEG. CARACCILO:

But consistent.

LEG. CRECCA:

He's consistently outraged, consistently outraged.

D.P.O. CARACAPPA:

1592 - Authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of land

known as the Bluepoints Company Property-Uplands, Town of Islip, Suffolk County, New York. Is there a motion?

LEG. FIELDS:

Can I ask to postpone that until all Legislators are here this afternoon?

D.P.O. CARACAPPA:

There's a motion to table to after the public hearings this afternoon.

LEG. LINDSAY:

I'll second.

D.P.O. CARACAPPA:

There's a second by Legislator Lindsay. All in favor? Opposed? I will oppose.

LEG. BINDER:

I'm opposed.

LEG. TONNA:

Opposed.

LEG. CARACCILOLO:

Opposed.

D.P.O. CARACAPPA:

Opposed is Legislator Caracciolo.

LEG. GULDI:

I'm opposed.

D.P.O. CARACAPPA:

Legislator Guldi, myself, Legislator Carpenter, Crecca.

LEG. ALDEN:

Alden.

D.P.O. CARACAPPA:

Alden, Nowick, Binder and Tonna.

MR. BARTON:

Eight.

D.P.O. CARACAPPA:

It fails. What's your pleasure, Legislator Fields?

LEG. FIELDS:

Motion to --

D.P.O. CARACAPPA:

Motion to approve?

LEG. FIELDS:

-- approve.

D.P.O. CARACAPPA:

Motion to approve by Legislator Fields.

LEG. GULDI:

Second.

LEG. FOLEY:

Second the motion.

D.P.O. CARACAPPA:

Second by Legislator Foley.

LEG. FOLEY:

Just on the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Foley.

LEG. FOLEY:

I won't to speak to the substance, yet, I'll leave that to the prime sponsor, but the move earlier to table until later this afternoon was to give some due deference to the Presiding Officer who couldn't be here this morning, and she's supposed to be coming here this afternoon. So, in deference to her position, you know, I think we should give her the respect of the position.

LEG. GULDI:

Motion to reconsider the tabling.

LEG. FOLEY:

Thank you.

LEG. NOWICK:

I agree.

LEG. GULDI:

I was on the prevailing side of voting in favor of the tabling. I'll make a motion to reconsider the tabling.

D.P.O. CARACAPPA:

All right, George.

LEG. FOLEY:

Thank you, Legislator Guldi.

D.P.O. CARACAPPA:

Motion to reconsider the tabling by Legislator Guldi, second by Legislator Crecca. All in favor?
Opposed? Abstain?

LEG. BINDER:

Opposed.

D.P.O. CARACAPPA:

Any opposed? Legislator Binder and myself.

LEG. GULDI:

Motion.

D.P.O. CARACAPPA:

It is now before us.

LEG. FOLEY:

Thank you.

MR. BARTON:

14.

D.P.O. CARACAPPA:

The motion to table until after the public hearings by Legislator Fields, seconded by Legislator Foley. All in favor? Opposed?

I'll oppose. Abstentions?

LEG. BISHOP:

Okay. So we're postponed on that.

D.P.O. CARACAPPA:

Postponing until after public hearings, which I might add will be after, just so the audience --

LEG. BISHOP:

Probably about four o'clock.

D.P.O. CARACAPPA:

-- knows, the public knows, and that we have an executive session following public hearings, and then the Suffolk -- then the County Executive's report, along with -- I've asked Steve Arata from Purchasing to come down as well.

LEG. BISHOP:

Six o'clock.

D.P.O. CARACAPPA:

And then Executive Session, so you're looking at early evening, Ladies and Gentlemen. Moving to Introductory Resolutions.

INTRODUCTORY RESOLUTIONS FOR THE AUGUST 26, 2003
MEETING OF THE SUFFOLK COUNTY LEGISLATURE

D.P.O. CARACAPPA:

1593. 1593 - Implementing pay-as-you-go 1/4% Taxpayer Protection Plan for water quality protection and restoration program for Phase II Stormwater Remediation Program for South Shore's tributaries (Village of Babylon).

LEG. BISHOP:

Motion.

LEG. GULDI:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Bishop, second by Legislator Caracciolo

LEG. CARACCIOLO:

All in favor? Opposed? Abstention?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1594 - Implementing pay-as-you-go 1/4% Taxpayer Protection Plan for Water Quality Protection and Restoration Program for Phase II Stormwater Remediation Program for South Shore tributaries (Town of Babylon). Approved out of ELAP 5-0. Motion by Legislator Bishop, second by Legislator Binder. All in favor? Opposed? Abstentions? It's approved.

MR. BARTON:

16. (Not Present: P.O. Postal).

D.P.O. CARACAPPA:

1605 (Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% taxpayer protection program (land of McQuade, Town of Riverhead)).

LEG. CARACCIOLO:

Motion.

LEG. TONNA:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Caracciolo, second by Legislator Tonna. All in favor? Opposed? Abstentions? It's approved.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1609 (Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program for Stage II Active Parklands (Camp Bishop McDonnell, Town of Huntington)).

LEG. CRECCA:

Motion.

LEG. TONNA:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Crecca, second by Legislator Tonna. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1609 is approved. **1612 - Making a SEQRA determination (in connection with the proposed CR 83, North Ocean Avenue over I-495, bridge widening and rehabilitation, CP #5849, Town of Brookhaven).** Motion by myself.

LEG. TONNA:

Second.

D.P.O. CARACAPPA:

Seconded by Legislator Tonna.

LEG. FOLEY:

I'll make a motion.

D.P.O. CARACAPPA:

Second -- make the second Legislator Foley.

LEG. FOLEY:

Thank you.

D.P.O. CARACAPPA:

All in favor? Opposed? Abstentions? It's approved.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1613 (Making a SEQRA determination in connection with the proposed development of a S.C.W.A. Well Field at Laurel Valley County park, Town of Southampton). Same motion, same second, same vote. (Vote: 16 - Not Present: P.O. Postal)

1614 (Making a SEQRA determination in connection with the proposed development of a S.C.W.A. Well Field at Laurel Valley County Park, Town of Southampton). Same

motion, same second, same vote. Someone's got feedback badly.

MS. JULIUS:

You've got the backfeed. You have to turn the mikes off.

D.P.O. CARACAPPA:

Yeah, if everyone -- if no one's using their mikes, just turn it off, so we don't have the feedback.
Thank you. Where are we, 1614?

LEG. FOLEY:

1658.

D.P.O. CARACAPPA:

1658 - Dedicating Suffolk County Farm in Yaphank to the Conservation of Agricultural lands.

LEG. CARACCILO:

Table it.

LEG. VILORIA-FISHER:

Table it.

D.P.O. CARACAPPA:

It was discharged without recommendation.

LEG. FOLEY:

Yeah. Mr. Chairman, if I could make a motion to table, and I'll explain why.

LEG. VILORIA-FISHER:

Second.

LEG. GULDI:

Second.

D.P.O. CARACAPPA:

Motion to table by Legislator Foley.

LEG. FOLEY:

The reason we have to table -- as much as we want it approved today, Counsel has told us that we need to have the exact meets and bounds --

D.P.O. CARACAPPA:

Right.

LEG. FOLEY:

-- contained within the legislation. That has not been available yet. Christine Costigan is working on that, and I hope that by the September 16 meeting, we can then vote on the bill.

D.P.O. CARACAPPA:

Motion to table by Legislator Foley, second myself. All in favor? Opposed? Abstentions? 1658 --

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1719 (Declaring a specific governmental purpose for underwater lands located in Peconic and Gardiners Bays). We need --

LEG. GULDI:

Motion.

D.P.O. CARACAPPA:

I believe we need to. Do we need to table this? No. It was approved 5-0.

LEG. GULDI:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Guldi.

LEG. CARACCILO:

Second.

D.P.O. CARACAPPA:

Second by Legislator Caracciolo.

MR. FALK:

Mr. Chairman, I request you table this at this time. There's some pending --

D.P.O. CARACAPPA:

Excuse me. The County Exec --

MR. FALK:

I would request that the table this at this time.

LEG. GULDI:

Why?

D.P.O. CARACAPPA:

For what reason.

MR. FALK:

There's some pending litigation involved with it.

LEG. GULDI:

Pardon?

MR. FALK:

There's some pending litigation involving it.

LEG. BINDER:

Motion to table.

LEG. TONNA:

Second.

LEG. GULDI:

Yeah, but --

D.P.O. CARACAPPA:

Time out. Hold on George.

LEG. GULDI:

On the motion.

D.P.O. CARACAPPA:

Hold on, hold on. There's a motion to table by Legislator Binder, second by Legislator Tonna.
On the motion, Legislator Guldi.

LEG. GULDI:

On the motion. We discussed the threat of litigation at committee.

LEG. VILORIA-FISHER:

Litigation doesn't impact this.

LEG. GULDI:

And determined that it doesn't impact this. I want to know what's changed since then?

MR. FALK:

Dave Grier is going to come speak on that. We're getting him.

LEG. GULDI:

Then I'm going to request an exec session on this subject, if the County Exec's going to make a --
throw us a change-up like that.

D.P.O. CARACAPPA:

On the tabling motion, Legislator Bishop.

LEG. BISHOP:

As the Chairman of the Environment Committee, rather than exec session and burdening all 18 members, this is not time sensitive, this is a -- it's a change in their policy direction, I grant you, but we could do it in committee.

LEG. CARPENTER:

Recommit.

LEG. ALDEN:

We have an executive session, don't we?

D.P.O. CARACAPPA:

Hold on. We have -- we do have an executive session later --

LEG. BINDER:

No, but it would be for another purpose.

D.P.O. CARACAPPA:

-- but it's on a lease.

LEG. BISHOP:

Be for another purpose. It would be an entirely new executive session.

LEG. CRECCA:

Motion to recommit.

D.P.O. CARACAPPA:

There's a motion to recommit --

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

-- to the ELAP Committee.

LEG. GULDI:

I don't think we need the motion to recommit to --

LEG. BISHOP:

We'll just take it up in committee.

D.P.O. CARACAPPA:

Time out.

LEG. GULDI:

We'll just take it up in committee with it tabled here.

LEG. BISHOP:

Excellent.

D.P.O. CARACAPPA:

Everyone's speaking at one time.

LEG. CRECCA:

I'll withdraw my motion.

LEG. BISHOP:

Thank you.

D.P.O. CARACAPPA:

Okay. There's a motion to table by -- who made the motion?

MR. BARTON:

Binder.

D.P.O. CARACAPPA:

Binder, and second by Legislator Tonna. All in favor? Opposed? Abstention?

MR. BARTON:

16. It's tabled. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

It's tabled.

WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE

Ways and Means. **1547 (Adopting Local Law No -- 2003, a Charter Law to change the County Tax Stabilization Reserve Fund Policy).** Approved 6-0. It's a Charter Law to change the County Tax Stabilization Reserve Policy.

LEG. GULDI:

Motion.

LEG. CARPENTER:

Explanation.

LEG. ALDEN:

Motion to approve.

LEG. CARACCIOLO:

Explanation.

LEG. ALDEN:

We have to have it before us, so motion to approve.

D.P.O. CARACAPPA:

Okay. This will -- keep in mind, this is a referendum in November '04, and it won't -- it will not apply until the budget is submitted in 2005 for the Fiscal Year 2006.

LEG. CARACCIOLO:

Motion to table.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

There's a motion to table by Legislator Caracciolo, second by Legislator Caracciolo. We do have a legal description, if anyone wants it, but we'll -- seeing that we're going to table it, we'll wait for Paul.

LEG. CARACCIOLO:

It's two years away.

D.P.O. CARACAPPA:

Yeah, it's years away. But keep in mind, actually, it's for next year's referendum, so we have plenty of time. All in favor? Opposed?

LEG. ALDEN:

Opposed.

LEG. BINDER:

Opposed.

D.P.O. CARACAPPA:

Opposed, Legislator Alden. Abstentions? It's tabled. **1548 - To implement surplus personal property --**

MR. BARTON:

14. It's tabled. (Not Present: P.O. Postal).

D.P.O. CARACAPPA:

-- **policy for Suffolk County.** Approved 6-0.

LEG. FOLEY:

Explanation, please.

LEG. TONNA:

Second.

D.P.O. CARACAPPA:

Legislator Carpenter, you want to --

LEG. CARPENTER:

You want to read what you have there and I'll get to it? Oh, it's that long?

D.P.O. CARACAPPA:

It's quite lengthy. Basically, what this -- reading it yesterday, this has to do with strictly computer components.

LEG. FOLEY:

Oh, okay. All right.

LEG. CARPENTER:

Actually, to -- if you look at the backup from Budget Review, it actually helps establish a policy to maximize our revenue for surplus or obsolete County electronic equipment, because it had come to our attention, through Budget Review, that a lot of this equipment was literally being trashed, and felt that if we twice a year had some sort of a venue where people could actually come and purchase it, it would be, you know, better off that way, and they're supportive of it.

D.P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Legislator Carpenter, wasn't there an issue, though, privacy, about it would cost us money to cleanse the units of County data, or something?

LEG. CARPENTER:

I don't believe so, and perhaps Budget Review wants to speak to that.

MR. POLLERT:

Currently, the Community College offers for sale to students computers, and what they have done is they have cleaned up the hard disk. It would be incumbent upon the County to clean up the hard disks, so that confidential data is not being sold with the computers. Currently, what we're doing is we are paying \$25 per computer to have a third party vendor clean up the hard

disk. So, basically, what we're doing is we're spending \$25 to have someone take the computers from us.

LEG. CARPENTER:

And resell them, so --

MR. POLLERT:

So what the thought was, is a program could be run through the Labor Department or through the Community College to format the hard disks.

D.P.O. CARACAPPA:

Legislator Carpenter.

LEG. CARPENTER:

Right. Whether they're being trashed or they're being offered for sale, we can't just unload computers with information and data on them. So I make a motion to approve.

D.P.O. CARACAPPA:

There's a motion to approve.

LEG. ALDEN:

Second.

D.P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

It's approved. **1554 (Sale of County-owned real estate pursuant to Local Law 13-1976, Sid Farber Enterprises, LLC).** Approved out of --

LEG. VILORIA-FISHER:

Motion.

D.P.O. CARACAPPA:

-- Ways and Means 6-0. Motion by Legislator Vilorio-Fisher, second by myself. All in favor?

LEG. ALDEN:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

I'm not in Ways and Means, but did we look at the possibility of creating affordable housing on this property?

LEG. GULDI:

All Local Law 13's are reviewed for affordable housing before they're considered.

D.P.O. CARACAPPA:

Thank you. There's a motion and a second. All in favor? Opposed? Abstentions?

LEG. CARACCILOLO:

Opposed.

D.P.O. CARACAPPA:

One abstention -- oh, one opposed, Legislator Caracciolo.

MR. BARTON:

15. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1591 (Directing County Department of Health Services to renegotiate malpractice liability clauses for County Health Centers). Approved 6-0 out of Ways and Means.

Directing County Department of Health Services to --

LEG. GULDI:

Motion to table for one cycle to --

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Motion to table by the sponsor, second by Legislator Foley. All in favor? Opposed?
Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1601 - Declaring four computers and monitors as surplus equipment and conveying said equipment to the not-for-profit contract agency, Women of Substance. Approved out of committee 6-0. Motion by myself.

LEG. CARPENTER:

Second.

LEG. FOLEY:

On the motion.

D.P.O. CARACAPPA:

Is there a second?

LEG. GULDI:

Second.

D.P.O. CARACAPPA:

Second by Legislator Guldi.

LEG. BINDER:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Binder.

LEG. BINDER:

Who are they? Anybody know who they are?

D.P.O. CARACAPPA:

They're a women advocacy group.

LEG. BINDER:

Well, see, I know a lot of women of substance, I just don't know who these people are.

D.P.O. CARACAPPA:

They deal with domestic violence issues. I've worked with them in the past and they're specific to domestic -- assistance to women who have had to deal with domestic violence in their lives.

LEG. FOLEY:

Motion to approve.

LEG. BINDER:

Are they a County contract agency currently, anybody know?

D.P.O. CARACAPPA:

I believe their our contract agency.

LEG. BINDER:

And we don't have any questions about whether they get involved politically or not, I assume. I just want to make sure of that, if we're going to give anything to them.

D.P.O. CARACAPPA:

In my dealings with them, they're probably one of the least political contract agencies I've ever dealt with it.

LEG. BINDER:

I'll take your word for it, Legislator Caracappa.

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

I was just going to make a statement for the record, that I'm going to rely on statements made by the Deputy Presiding Officer Caracappa that --

D.P.O. CARACAPPA:

They're setting me up.

LEG. ALDEN:

That have induced me to cast this vote in this manner.

D.P.O. CARACAPPA:

Induced you? Wow. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

It's approved. **1603**, approved 6-0.

LEG. CRECCA:

Motion by Legislator Haley.

D.P.O. CARACAPPA:

Authorizing the County Treasurer to borrow cash funds from other County funds for 2003.

LEG. TONNA:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Tonna, second by Legislator Carpenter. All in favor? Opposed? Abstentions? It's approved.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1651, approved 5-1.

LEG. O'LEARY:

Motion.

LEG. GULDI:

Second.

D.P.O. CARACAPPA:

Authorizing use of Smith Point County Park property by Mastic Beach Ambulance Company, for "Help Us Save You Program". Motion by Legislator O'Leary.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Second by Legislator Foley. All in favor? Opposed? Abstentions? 1651 is approved.

LEG. FOLEY:

Thank you.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1652 (Authorizing sale of County-owned real estate pursuant to Section 215, New York State County law to Jeannette Bowman). Approved 6-0. Motion by Legislator Bishop.

LEG. GULDI:

Second.

D.P.O. CARACAPPA:

Second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

16.

D.P.O. CARACAPPA:

It's approved. **1653 (Designating Central America Day in Suffolk County).**

LEG. VILORIA-FISHER:

Motion.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Approved 6-0. Motion by Legislator Viloría-Fisher, second by Legislator --

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

-- Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1654 - Authorizing the County to enter into an intermunicipal agreement with the Village of Babylon for the installation and maintenance of a Robert Moses Statue.

Approved 6-0.

LEG. TONNA:

Dave, you want to make a motion?

LEG. BISHOP:

Motion.

LEG. CRECCA:

Second.

D.P.O. CARACAPPA:

Just so you know, the agreement was filed yesterday and it's good to go. So, Legislator Bishop, motion to approve, second by Legislator Crecca. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1655 - Establishing binding arbitration policy for Suffolk County Superior Officers Association (SOA) contract.

LEG. GULDI:

Second.

LEG. O'LEARY:

Motion.

LEG. TONNA:

Second.

D.P.O. CARACAPPA:

Motion by Legislator -- Motion by Legislator O'Leary, second by -- by the sponsor, Legislator Lindsay, second by Legislator O'Leary. I will ask on the record, Legislator Lindsay, based on -- O'Leary, your union affiliation has been -- is over; correct?

LEG. O'LEARY:

Yes.

D.P.O. CARACAPPA:

Very good. I just wanted to make sure that if --

LEG. O'LEARY:

I was never with the SOA.

LEG. GULDI:

He never got that high. Always one of the inferior officers.

LEG. O'LEARY:

Yeah, right.

D.P.O. CARACAPPA:

There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

16.

D.P.O. CARACAPPA:

There's an opposition --

LEG. FIELDS:

Opposed.

D.P.O. CARACAPPA:

Opposition by Legislator Fields. 1655, we're just looking --

MR. BARTON:

15. (Not Present: P.O. Postal).

D.P.O. CARACAPPA:

Trying to avoid a conflict there, Pete.

LEG. O'LEARY:

I understand.

D.P.O. CARACAPPA:

1656 (Establishing binding arbitration policy for Suffolk County Detectives Association Contract). Same motion, same second.

LEG. FIELDS:

Opposed.

D.P.O. CARACAPPA:

Same vote.

LEG. ALDEN:

Have you broken contact with these guys, too?

LEG. O'LEARY:

Yes, I have.

LEG. ALDEN:

Very good.

D.P.O. CARACAPPA:

Legislator Fisher?

LEG. FIELDS:

Me, Joe.

D.P.O. CARACAPPA:

Fields. Never mind.

MR. BARTON:

15. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1697, approved 5-1, Amending the 2003 Capital Budget and Program and appropriating start-up funds in connection with the reconstruction of C.R. 80, Montauk Highway, Shirley/Mastic, Town of Brookhaven (CP 5516).

LEG. FOLEY:

Mr. Chairman, just on the motion.

D.P.O. CARACAPPA:

Is there a motion?

LEG. CARPENTER:

Motion by O'Leary.

D.P.O. CARACAPPA:

There's a motion by Legislator O'Leary.

LEG. TONNA:

Second.

D.P.O. CARACAPPA:

Second by myself.

LEG. FOLEY:

Just on the motion, Mr. Chairman.

D.P.O. CARACAPPA:

Go ahead, Legislator Foley, on the motion.

LEG. FOLEY:

Thank you. For whatever reason, these kinds of resolutions are not assigned even on a secondary basis to Public Works. But the only question I had on it, and I've had it with others as well, so it's not just this particular resolution, can we -- is this for the reconstruction of the area

of the roadway that there still is an issue of what the final plan will be, or is this for a different area of Montauk Highway? As many of us know on the committee, that there's been some back and forth, not only about CR 16, but also about that area of Montauk Highway on what the final plan will be for the reconstruction. So that if it is in that same area, then the question would be, if a design has not yet been approved, how can we appropriate monies for the reconstruction of the roadway, unless it's a completely separate different area of Montauk Highway. But that's the only question I have. And I would, just to say to Legislator O'Leary, I would have had that question in committee if it was assigned to Public Works, but it wasn't.

LEG. GULDI:

If I may.

LEG. FOLEY:

Yeah.

LEG. GULDI:

This is a -- these resolutions that come to Ways and Means are not -- are land acquisition resolutions of already approved funded projects. These are the land acquisition condemnation steps only. Each project by definition is advanced in its planning stages to the point that you know where you're building the roads, so you have to acquire the land for it. So this project, while I can't give you the specific section of County Road 80, because it does run all over the County, this project was one of those resolutions.

LEG. BISHOP:

Mr. Chairman.

D.P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

I ask Legislator Guldi if -- I didn't think about this at committee, but then I read subsequent news articles, that the former Legislator for the area, apparently, since he was convicted, right, so I can say he did -- used the widening of Montauk Highway as the reason for -- there was a policy of a -- what do you call it, no building temporarily? Temporarily.

("Moratorium" Said in Unison by Legislators)

LEG. BISHOP:

Moratorium. Thank you. So there was a moratorium policy in the area, and he used that moratorium policy for his schemes. They seemed to run through or around this moratorium policy. So I think that it's -- it would be prudent for us to take a look at what acquisitions -- what is the route of the road, and has it been influenced by the prior Legislator, or has -- you know, maybe the perhaps the new Legislator can comment, not today, I'm not putting him on the spot, but I'm saying take a look at it to make sure that it meets the community's needs.

LEG. GULDI:

All right. Why don't we --

LEG. O'LEARY:

Motion to table.

LEG. GULDI:

I'll make a motion, since I understand you've joined us on Ways and Means, why don't we recommit it and do it in Committee?

LEG. FOLEY:

Actually, there's a committee meeting this afternoon.

LEG. CARPENTER:

No, it's not Ways and Means.

LEG. GULDI:

It's Public Works, this is Ways and Means.

D.P.O. CARACAPPA:

This is Ways and Means.

LEG. GULDI:

I'll make a motion to recommit, so we can exam it.

LEG. CARACCIOLO:

Second.

LEG. O'LEARY:

Second.

D.P.O. CARACAPPA:

The Chairman of Ways and Means has made a motion to recommit, second by Legislator O'Leary. All in favor? Opposed? Abstain? It's recommitted.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1700, approved 6-0, Amending the 2003 Operating Budget and appropriating funds in connection with bonding settlements for medical malpractice cases.

LEG. BINDER:

Motion.

D.P.O. CARACAPPA:

There's a motion by Legislator Binder, second by myself. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

D.P.O. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present)

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Pass.

LEG. ALDEN:

No.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Pass.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCILO:

Yes.

MR. BARTON:

Legislator Tonna (not present).

LEG. CARPENTER:

Yes.

LEG. TONNA:

Yes.

LEG. LINDSAY:

Yes.

LEG. TONNA:

Yes.

MR. BARTON:

And Legislator Tonna is a yes.

LEG. FOLEY:

Mr. Chairman, before we get to the next --

MR. BARTON:

15 on the bond. (Not Present: P.O. Postal).

LEG. FOLEY:

Before we get to the next resolution, Mr. Chairman, Legislator Guldi, your resolution earlier about malpractice, changes in malpractice as it relates to health centers, is that also related to this resolution?

LEG. GULDI:

Well, yes, in a sense, it's related. This resolution is bonding payments for malpractice claims that the County has already previously settled. The purpose of the other bill, in a nutshell, is to

eliminate the practice of the County providing medical malpractice insurance for doctors who service patients at our clinics, while at the same time those doctors are, in fact, provided insurance for the other patients they have at hospitals. It's arguably a double insurance plan, and it's been costing us millions of dollars a year on average. And the purpose of the other bill is to eliminate the practice.

I've had -- the reason I tabled the other bill is because I've had extensive conversations with the Health Department and with the County Attorney's Office about changing the language, because we are in the middle of negotiations, or actually very soon concluding negotiations with some of our hospital providers.

D.P.O. CARACAPPA:

Okay. Very good. Okay, Brian.

LEG. FOLEY:

Yes, thank you. Thank you.

D.P.O. CARACAPPA:

1703 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the acquisition of land for the reconstruction of Deer Park Avenue (East, CR 66 Town of Huntington (CP 5508.211)).

LEG. GULDI:

Legislator Bishop isn't in the room, but does he want us to --

D.P.O. CARACAPPA:

Is that on the motion, Legislator Guldi?

LEG. GULDI:

Does he want us to do the same kind of analysis as to what's going on with this road improvement as he does in Mastic/Shirley?

D.P.O. CARACAPPA:

Point well taken. There's a motion by Legislator Tonna. Deer Park Avenue.

LEG. TONNA:

Yeah.

D.P.O. CARACAPPA:

Second by Legislator Binder. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. BISHOP:

(Not Present)

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yeah.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

Legislator Bishop (not present). 15 on the bond. (Not Present: P.O. Postal and Legislator Bishop)

D.P.O. CARACAPPA:

Same motion, same second, same vote. 17 -- no, that was 03. **1706 (Amending the 2003 Capital Budget and Program and appropriating funds in connection with the acquisition of land for safety improvements along Montauk Highway, CR 85 at Atlantic Avenue, Town of Brookhaven).**

LEG. FOLEY:

Motion, Mr. Chairman.

D.P.O. CARACAPPA:

Motion by Legislator Foley, second by Legislator O'Leary. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARACAPPA:

Yep.

MR. BARTON:

16 on the bond. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

Same motion, same second, same vote on the bond. **1714 - Authorizing transfer of surplus computer equipment to Project LINCT.**

LEG. VILORIA-FISHER:

Motion.

D.P.O. CARACAPPA:

Approved 6-0.

LEG. FOLEY:

Second.

LEG. FIELDS:

What is LINCT.

LEG. NOWICK:

What is LINCT.

D.P.O. CARACAPPA:

It's a job training Welfare to Work Groups that works within the County.

LEG. VILORIA-FISHER:

I have a motion.

LEG. FOLEY:

Second on that, Mr. Chairman.

D.P.O. CARACAPPA:

There's a motion by Legislator Viloría-Fisher, second by Legislator Foley. All in favor?
Opposed?

LEG. GULDI:

Cosponsor Henry.

D.P.O. CARACAPPA:

Abstentions?

LEG. FOLEY:

Cosponsor, please.

D.P.O. CARACAPPA:

Please, list the cosponsors.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1715 - Authorizing transfer of surplus computer equipment to the National Council on the Aging (NCOA).

LEG. VILORIA-FISHER:

Same motion.

D.P.O. CARACAPPA:

Same motion.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Same second, same vote.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1718 - Authorizing the use of Gardiner County Park by American Diabetes Association for their fundraising event.

LEG. CARPENTER:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Carpenter, second by Legislator Alden. All in favor? Opposed? Abstention? 1718 is approved.

MR. BARTON:

16. (Not Present: P.O. Postal).

D.P.O. CARACAPPA:

1721 - Transferring and appropriating additional Torrens revenues to the County Clerk.

LEG. GULDI:

Motion.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

Approved 6-0. Motion by Legislator Guldi, second by Legislator Carpenter. All in favor?
Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal).

D.P.O. CARACAPPA:

1721 is approved. **1722 - To extend access to non-cubicle licenses at County Clerk's Office --**

LEG. VILORIA-FISHER:

Motion.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

-- **for title examination purposes.** Approved 6-0. Motion by Legislator Viloría-Fisher, second by Legislator Carpenter. All in favor? Opposed? Abstain?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

It's approved. **1728 - Authorizing the disbursement of funds from the Suffolk County Living Wage Contingency Fund for the Community Programs Center of LI and the**

Babylon Child Care Center, Inc. Approved 6-0.

LEG. BISHOP:

Motion.

LEG. VILORIA-FISHER:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Bishop, second by Legislator Viloría-Fisher. All in favor? Opposed?
Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal).

D.P.O. CARACAPPA:

It's approved. **1730 (Imposing an additional one percent sales and compensating use tax for the period beginning December 1, 2003 and ending November 30, 2005, pursuant to authority of Section 1210 of Article 29 of the tax law of the State of New York).**

LEG. CRECCA:

Motion to postpone.

D.P.O. CARACAPPA:

Motion to postpone until after --

LEG. CRECCA:

After executive session.

LEG. TONNA:

No, no, not. Let's vote on it now.

LEG. FOLEY:

Second the postponement.

LEG. TONNA:

Everybody knows what they're going to do.

LEG. GULDI:

Yeah, but there's some of us not present.

LEG. FOLEY:

That's right.

LEG. VILORIA-FISHER:

I second the motion to postpone.

LEG. CARACCIOLO:

Roll call.

D.P.O. CARACAPPA:

There's a motion to defer until after the executive session, earlier -- later, second by myself.

LEG. CARACCIOLO:

Roll call.

D.P.O. CARACAPPA:

Roll call.

MR. BARTON:

Who made the motion, Mr. Chairman?

LEG. VILORIA-FISHER:

Crecca?

LEG. FOLEY:

Just before the vote.

D.P.O. CARACAPPA:

Legislator Crecca.

LEG. TONNA:

On the motion.

LEG. FOLEY:

Just before the vote, Mr. Chairman.

LEG. TONNA:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Foley.

LEG. FOLEY:

Thank you.

D.P.O. CARACAPPA:

Legislator Tonna.

LEG. FOLEY:

Again, similar to the earlier postponement and deferral, given the importance of the vote and that the Presiding Officer wishes to be present, I think that we should defer until such time as -- this afternoon, or a time certain that the Deputy Presiding Officer had mentioned, so the Presiding Officer can be here to vote on this resolution.

LEG. TONNA:

I'll make a motion to approve.

D.P.O. CARACAPPA:

I'll withdraw my second.

LEG. TONNA:

I make a motion to approve.

D.P.O. CARACAPPA:

Motion to approve by Legislator Tonna, second by myself. Roll call.

LEG. FOLEY:

On the motion.

D.P.O. CARACAPPA:

On the motion. On the motion, Legislator Foley.

LEG. FOLEY:

One of the concerns, again, I'm not on this committee, but I know other colleagues who are asking the same question. When you read, and this is for the Budget Review Office, since Counsel isn't here, or if the County Attorney's Office is here, the title of the bill is -- I think is rather misleading.

LEG. LINDSAY:

Absolutely.

LEG. FOLEY:

It states that it's imposing an additional 1% sales tax. And I think the record should reflect that this is not imposing an additional 1% sales tax, this is extending the current sales tax that's in place. So I have a great concern about the misleading perception given by the name of the bill. And I would prefer to see the title of the bill changed to reflect that it's an extension of the current sales tax and compensating use tax, it is not imposing an additional.

D.P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

So whether or not that change can be made, we have another meeting September 16. Whether the County Attorney's Office can change the title of the bill and any related information in the body of the bill, we could vote on it later this afternoon, I think that's the only fair and we're being fair to ourselves as well as to the public by having --

D.P.O. CARACAPPA:

Legislator Foley, if you'd suffer an interruption.

LEG. FOLEY:

-- what I would call a more accurate title. Thank you.

D.P.O. CARACAPPA:

Have to understand, the State directs us to use certain wording and they directed us to use this wording, and you know how the State gets, especially when it comes to sales tax resolutions. Number two, keep in mind, they have set a deadline for local municipalities to act --

LEG. FOLEY:

Yeah.

D.P.O. CARACAPPA:

-- to extend this portion of the sales tax.

LEG. FOLEY:

Yeah, it's November.

D.P.O. CARACAPPA:

No, no.

LEG. CARPENTER:

No. September 12th is the date.

D.P.O. CARACAPPA:

If we don't act today, we will have to have a special meeting --

LEG. TONNA:

Right.

D.P.O. CARACAPPA:

-- in the very near future to vote on this, to either vote it up or down.

LEG. FOLEY:

Well, I would still like to ask -- thank you, Mr. Chairman, for the clarification.

D.P.O. CARACAPPA:

But, again, the language can't be changed based on the State requires us to use the certain language to mandate it.

LEG. CARPENTER:

Mr. Chairman, if I could.

LEG. FOLEY:

Well, I not that I disagree with the Deputy Presiding Officer, but I would like to hear from even the County --

LEG. TONNA:

From the State?

LEG. FOLEY:

No, from the County Attorney's Office to see --

D.P.O. CARACAPPA:

Before we have that, Legislator Carpenter.

LEG. CARPENTER:

Thank you. I share --

LEG. TONNA:

No, I'm on the record next.

D.P.O. CARACAPPA:

Oh, I'm sorry, he was.

LEG. TONNA:

Oh, go head.

LEG. CARPENTER:

Can I just answer this question?

LEG. TONNA:

Yeah. That's okay.

LEG. CARPENTER:

I was discussing this yesterday with Budget Review, called the County Exec's Office and spoke with their Budget Office also. I asked them to check with their counsel. I also called and spoke with Legislative Counsel. The State is very, very specific in the wording, even though this does not accurately reflect what the actions are that we're, you know, deliberating taking. It is not an additional 1%, as you so rightly said, it is merely an extension of keeping in place what is already in place. However, we are precluded from changing the wording. State Tax and Finance and the Legislature in the State is very specific about what we can adopt, as far as what it says, and when it must be adopted. And the date that our action must take place is before September 2nd. Monday is the 1st, its Labor Day, so it would have to take place by, you know, Friday.

And, again, with the issue of the clothing sales tax, remember that even though we as a body had voted to roll back the sales tax on clothing, the State came in and unilaterally reimposed that sales tax on clothing, not just for their portion, but for our portion. So we are really very much here at the will of the State in what actions we're taking in order to enable us to continue collecting the sales tax, as is stated today.

D.P.O. CARACAPPA:

Legislator Tonna, you're up.

LEG. TONNA:

It's my family.

LEG. VILORIA-FISHER:

Calling.

LEG. TONNA:

All right. Thank you. My only point is this. It represents, if I'm not mistaken, Jim, you just

whispered, well, whisper, but about.

250 million dollars worth of revenue? Two hundred and twenty million dollars worth of revenue. I mean, give me a break. You either -- dash you serve here on the Legislature. Either you believe that there are some things that we do governmentally in Suffolk County that is worthy of funding. Now, we might disagree about a car here or there, we might even disagree about a certain capital project, or something like that, but when you're talking about 220 million dollars of an already existing tax that we have had, just imagine minus 220 million dollars. There are child protection workers, there are child -- there are people who are homeless. There are so many things that this County does that is good. The services that this County provides, that is important. I'm sorry, but this is -- this is a vote in conscience. If you vote against this, in essence, what you're saying is why don't we just completely disband County government. And I -- you know, you might be able to say that.

D.P.O. CARACAPPA:

Oh, you said the wrong thing.

LEG. ALDEN:

That might not be a bad idea.

D.P.O. CARACAPPA:

Look at Haley.

LEG. TONNA:

But all I can tell you is there are people -- there are people out there, young children, vulnerable people out there, who depend on County government and County government services, and I think that this would be -- this is a -- this would be a terrible, terrible thing to do. And I'm surprised that, you know, that there's a whisper that we don't have ten votes to vote for this. If you're worried about your election, you know, and you need -- you're afraid that you're going to vote for something like this, now is the time for a gut check. We need to do this. We need to do this.

D.P.O. CARACAPPA:

Well said, Legislator Tonna. Before I go to Legislator Lindsay I'd like to ask a question of Budget Review. Fred, 220 million dollars equals what and to an increase percentage-wise to the General Fund?

MR. POLLERT:

Roughly, 400% increase in the General Fund property tax warrant.

D.P.O. CARACAPPA:

So 400% increase in property taxes would be the alternative at this point in time.

MR. POLLERT:

That is correct.

D.P.O. CARACAPPA:

Thank you. Legislator Lindsay.

LEG. LINDSAY:

I just want to echo Legislator Tonna's remarks. If I'm not mistaken, our total budget is what, a billion.

LEG. GULDI:

Two billion.

LEG. LINDSAY:

Two billion. So you're talking about, what, 10% of our annual revenue. Just imagine, I mean, what you're talking about is probably massive layoffs, cuts of programs that help our citizens dramatically. I really would urge my fellow Legislators to vote for this. I think it would be totally irresponsible for us not to renew this. Again, we're not asking to increase the sales tax, just to maintain what we currently have in effect.

D.P.O. CARACAPPA:

I'm going to ask for a roll call at this point in time.

LEG. BISHOP:

Roll call on what, tabling or what?

LEG. FIELDS:

On the vote.

D.P.O. CARACAPPA:

On the vote.

(Roll Called by Mr. Barton, Clerk)

LEG. TONNA:

Yes.

D.P.O. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

No.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Nope.

LEG. FIELDS:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

No.

LEG. GULDI:

Pass.

LEG. VILORIA-FISHER:

Motion to table until -- we can't do it in the middle of a control?

LEG. TONNA:

We have nine. Let it go to a vote.

LEG. VILORIA-FISHER:

Okay.

LEG. CARACCILO:

Abstain.

LEG. GULDI:

I'll abstain.

D.P.O. CARACAPPA:

Motion to table.

LEG. VILORIA-FISHER:

Table.

LEG. FOLEY:

This afternoon.

LEG. VILORIA-FISHER:

To this afternoon?

D.P.O. CARACAPPA:

Motion to table until after executive session.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Is there a second?

LEG. CARPENTER:

To table, yes.

LEG. VILORIA-FISHER:

Yeah, I had made a tabling until after executive session.

D.P.O. CARACAPPA:

All in favor? Opposed? Abstain? We'll be back at 2:30 for public hearings.

[THE MEETING WAS RECESSED AT 11:35 AND RESUMED AT 1:35]

D.P.O. CARACAPPA:

Good afternoon. Calling the meeting back to order. Mr. Clerk, the affidavits of publication, they've been filed and in proper order?

MR. BARTON:

Yes, they are.

D.P.O. CARACAPPA:

Thank you, Mr. Clerk. We're going to go directly to the first public hearing.

1207 - Authorizing of rates for Sayville Ferry Service, (Inc., for cross bay service between Sayville, New York, and the Fire Island communities of Fire Island Pines, Cherry Grove, and Water Island). We have one card, David Neufeld.

MR. NEUFELD:

Good afternoon. Good afternoon. I'm David Neufeld, I'm here for Sayville Ferry Service. We have received the Budget Review Office report, and it recommends approval, and made two suggestions, one being that the senior citizen rate be rolled back, and that not take effect until 2004. And Sayville Ferry Service is agreeable to those items in conjunction with the Suffolk National Bank. It would, however, ask that action be taken during September, because the ferry is presently investing approximately 2 million dollars in a new vessel. We will be submitting a new resolution to incorporate our agreement with the Budget Review recommendation with those two exceptions. I thank you very much.

D.P.O. CARACAPPA:

Thank you.

LEG. CARPENTER:

Thank you.

D.P.O. CARACAPPA:

That's the only card we have on this. Anyone else wish to be heard?

LEG. CARPENTER:

Motion to close.

D.P.O. CARACAPPA:

Motion to close by Legislator Carpenter.

LEG. BISHOP:

Second.

D.P.O. CARACAPPA:

Second by Legislator Bishop. All in favor? Opposed? Abstentions? The public hearing is closed.

Next public hearing is **1615 - Adopting local law to amend Process Servers Licensing Law in Suffolk County**. We have one card, but I do not see him in the room, so we're going to skip over it.

Public hearing -- we'll move on to **Public Hearing 1723 - Adopting a local law to establish item pricing inspection waiver schedule within Suffolk County**.

MS. BURKHARDT:

We have no cards.

D.P.O. CARACAPPA:

We have no cards. Anyone wish to be heard on this matter? Hearing none, a motion to close by myself, seconded by Legislator Bishop. All in favor? Opposed? Abstentions? It's closed.

Just for the record, on the agenda, **Public Hearing 1727 has been withdrawn**.

Moving on to Public Hearing 1729 - Adopting a local law to repeal Living Wage Policy for the County of Suffolk. First speaker, Susan McKeon.

MS. MC KEON:

Okay. My name is Susan McKeon and I live in the Town of Brookhaven, and I want to speak as a taxpayer to this issue.

I have been extremely angry recently when I read the paper at the large amounts of money that seem to have strayed from the budget, due to what the newspapers have mentioned as everything from mismanagement to actual favors, all kinds of things that a lowly voter like me doesn't even get near the opportunity to do. My past Legislator is not representing my district anymore, we have a new person now, but I'm very angry, because when all of that was going on, all that corruption, you know, Mr. Gaffney did not see fit to care or do anything for the lower paid taxpayer where I live. There are large numbers of union people that are my neighbors. There are large numbers of home health aides that live in Mastic Beach. There are large

numbers of people who are working poor, who are working two and three jobs in my area, and we're confronted now with an economy that's not so good, where, you know, gas prices soaring through the roof, money to be paid for things like, you know, security, and war, and other things. And in the middle of all this, with our tax money going up and dollars going out the window, this man wants to balance the budget for the lowest paid people who clean bed pans, who do the jobs none of the rest of us want to do. And I'm offended by this. As a taxpayer, I'm offended by this. I'm offended in behalf of my neighbors who are having their taxes going up and are working like blazes to keep their head above water. And I'm offended on behalf of the people that like me, that are having to pay higher taxes, because, suddenly, there's no money in the budget.

Where were these people balancing the budget when money was being sold below land value? Where was this person when people were getting salaries for consulting, astronomical salaries? I think it's time that our elected representatives represented the working poor, the union people, the people that don't even have jobs right now. I mean, these home health aides work hard, they don't get to take two-hour lunches. They don't get to do all the things that people do who are lucky enough to make it to the Legislature.

And I'm asking, in behalf of the working taxpayers of Suffolk County, and even if the person is a renter, they're still a taxpayer, because rents are so high, that we don't need to balance the Suffolk budget on the backs of the poorest people that live in Suffolk County. I find this offensive, I find it immoral, I find it upsetting to me, and I don't want -- I want people to search their consciences and say that the last place that they should be cutting pennies is this -- this suggestion by Mr. Gaffney will result in people having a pay cut and having to choose whether to pay their electric bill or pay food, and I think that's totally immoral.

And I know the people here are people, many of religious conscience. I don't think "blessed are the poor" means that we're going to take care of the poor and help the poor, except when we need to balance the budget, then the poor will be our convenient donkey. That's all I wanted to say.

(Applause)

D.P.O. CARACAPPA:

Thank you. Next speaker is Jacquelyn Hannan.

MS. HANNAN:

Hi there. I'm Jackie Hannan. I work with 1199. I'm here to oppose the Legislature of the Living Wage Law.

New York State is facing a shortage of home health care workers, which the Suffolk County Legislature has understood that and their responsibility to pay their home health care workers a living wage by passing by passing a Living Wage Law two years ago.

The most comprehensive study of home care workers in New York State, done in 1997, show that 61% of home health care indicate that their earning would not meet the expenses of food, 63% could not meet their expenses for housing, and 75 could not meet their expenses for clothing. I understand that, because I, too, was a -- I was a home health care worker, and I worked two and three jobs just to say afloat. I mean, I needed a roommate to keep my housing, and just it's a tough -- it's a tough thing.

A living wage for home health care workers is not only the right thing to do, it will impose little or no cost to the County. Ninety percent of home health care cost are paid by the Federal Government. The same study I mentioned earlier found that 16% rely on government benefits like Medicaid, food stamps, unemployment, child care, public assistance, or public housing to supplement their income. It makes no sense to underpay our workers and then force them -- then forced to provide them with public assistance. These are stark numbers. You can improve them, this situation for people who do not -- who do the same -- do some of the most important work in our society, intimate, personal care of our elderly and disabled. Most of them -- most did the right thing and voted for the living wage bill. Now we are urging you to do the right thing and oppose this repeal. The workers give much and receive little. They deserve better. I know, I experienced it, and, luckily, you're in the position to help. Thank you.

(Applause)

D.P.O. CARACAPPA:

Thank you very much. Next speaker is Jack Caffey.

MR. CAFFEY:

Thank you, Mr. Chairman. My name is Jack Caffey. I'm the President of the Long Island

Federation of Labor. I represent 90 unions in the Counties of Nassau and Suffolk County, representing 200,000 members.

Of all of you, the Legislature are aware that approximately a year-and-a-half ago, this bill was introduced, and it was introduced in behalf of the labor movement for the people who are, as indicated earlier, the people who are making the lowest of the wages. And it was the wishes of this Legislature to vote in favor of that bill and support the people in need. And Mr. Gaffney, at that time, chose to veto that bill, and it was overridden by 16 to two, and, at that time, we appreciated and thanked all of the Legislators for standing with the labor movement. And I again thank you for all of the support that you have given this bill right on up to indicating enough money to fund this particular piece of legislation, and so on.

But the gall of this County Exec, who is on his way out in the lame duck session, to take offense to something like this is an absolute disgrace. And I believe that this is a disgrace in behalf of some of the people who actually stood with him all for these particular years that he served Suffolk County. And to go out like this and to slap the people who are in need of the most vulnerable times is a disgrace to this labor movement and disgrace to the citizens of Suffolk County.

He has said that the reason for that is the nonprofit organizations are hurting.

You have heard testimony over that period of time that the non-for-profits, almost 90% of those non-for-profit organizations, those CEO's who were running those nonprofit organizations were making in excess of six figures and more, and paying their employees the federal minimum wage. I don't think Mr. Gaffney has ever made the federal minimum wage, and I know when he leaves this Legislature, he will not make the federal minimum wage. And I am appalled to have a relationship with this County Executive for all these years and have him go out in this vein, and I think you all are, too. And I really want to say, and plead with you again, you send the message to this County Exec and not accept this appeal from him.

In addition to that, we all know that this industry, the health care industry, is in dire need and is there's a shortage of workers. And to continue to pay people at the federal minimum wage, people will not step up to the plate and go into this industry and serve the people that we all need, and that's the elderly and the young. So I make this appeal to you. There is no stance today. It wasn't a stance a year-and-a-half ago. There is no stance today that changes anything in taking away the federal minimum wage away from these people and giving them a

sufficient amount of money to live on Long Island. I thank you for your time and I look forward to your cooperation.

(Applause)

D.P.O. CARACAPPA:

Thank you, Jack. Brian Schneck.

MR. SCHNECK:

Good afternoon. My name is Brian Schneck. I'm a trustee with.

Local 259 of the United Automobile Workers. My union currently represents, along with its affiliates, 10,000 active and retired members living in Suffolk County. So, on behalf of them, I stand here today to ask you to oppose this repeal of the Living Wage Law that was created by the vast majority of this body approximately a year-and-a-half ago.

As you know, living in Suffolk County, the cost of living is {extraordinaire}. We are living in an area that is within the top ten of the most costly areas to live in the United States. The workers that need this law to provide them a living and a standard -- at a standard that they could raise their families with was provided by this body a year-and-a-half ago, and I ask you today to stay committed to what you have done. You did a great thing then. I ask you again to stay committed to what you did.

I'm also affiliated with the Suffolk County Working Families Party. All right? Many of you have accepted the endorsement of that party, and we wish to do so in the future. With that, Working Families Party, part of the platform is this living wage legislation that was passed in the County of Suffolk and many other counties throughout New York State. The Working Families Party believes that this society that we live in is just that, a livable wage, so that we could raise our families with dignity and respect.

So, again, on behalf of my organization, the United Automobile Workers of America, and my other hat that I wear, as far as with the Working Families Party in the County of Suffolk, I appeal to you today to do the right thing, that the vast majority of this body did not so long ago, and stand tall for working families and vote against this repeal from the Gaffney Administration, which, you know, a lot of us question. So that's all I have to say to you today, and do the right thing for working families. Thank you.

(Applause)

D.P.O. CARACAPPA:

Thank you, Brian. Next speaker, I believe it's Marie Klein.

MR. KLEIN:

Marc.

D.P.O. CARACAPPA:

Marc, I'm sorry.

MR. KLEIN:

I rise to support the maintenance of the Living Wage Law. Seeking to have the working poor subsidize government society, business is nothing new. It's been said in the past, it's impractical to have it any other way. It's a necessity. If you can go back to the robber barons, they said that. They said it was necessary to have child labor, they said it was necessary to have a seven-day week, they said it was necessary for society to prosper and grow and benefit to have a 14-hour day. And they added the caveat, "If you don't like it that way, think, you're lucky to have a job at all." It was wrong then, it's wrong now.

The issue before us is one of priority and values. We ask you to maintain the high road, and that's not paved on the backs of the working poor.

I speak as a representative of the Long Island Progressive Coalition, and also as a member of the Working Families Party. I urge you to do the right thing and I think you know what it is.

(Applause)

D.P.O. CARACAPPA:

Thank you, Marc. This is the last card on this hearing. Anyone else wishing to be heard? Mr. Goldstein.

MR. GOLDSTEIN:

Thank you, Mr. Caracappa. Although I had come here for another purpose, having become

aware and listening to the previous speakers, as a concerned citizen, I concur. There are gross injustices in our society in terms of the division of wealth, and that -- those injustices have grown greater. And we are talking now about the most vulnerable segments of our society, those who receive the services from these workers, who deserve a living wage. They are struggling to maintain themselves and, at the same time, to assist perhaps members of your own family, all right, in dealing with the struggles that they are going through, because they are disabled, or because they are in the closing years of their lives. And it seems shameful to me that having had the courage to act on this matter and to provide for a living wage, that the County Executive now calls upon you to reverse yourself, and I would urge you not to do so. I would urge you to be courageous.

As I started when I started -- as I said when I started speaking, there are injustices. For example, I've come before this body on previous occasion and I've made the point that we seem to have forgotten American history when it comes to certain well organized powerful groups. We have in a sense a praetorian guard mentality, that the law enforcement community can enjoy great rewards and totally ignore the fact that historically, our nation came into existence based upon the motto "No Taxation Without Representation", the point being that we have allowed, as a result of the New York State's Legislature creating an arbitration law for the law enforcement unions to reap the benefit of arbitration and have a nonelected arbitrator make decisions, which become contracts, and which are imposed upon the citizens of Suffolk County, and we must pay those costs, because there are contractual obligations. Now, that to me seems to be wrong. It flies in the face of the very existence of this country. Yet, at the same time, we're willing to turn our backs, because these less fortunate members of our society do not belong to these favored organized groups, and, therefore, we can attempt to solve part of the fiscal problems of the County by imposing the burden more upon them than upon those who have reaped the benefit of their organizations and their associations to the political leadership within this County.

And so, therefore, I urge you to exercise your conscience, because the law enforcement contracts are coming up, as I understand it. And it would seem shameful to me if, once again, they reap huge rewards at the same time that you impose added burdens upon the most vulnerable segments of our society. Thank you.

(Applause)

D.P.O. CARACAPPA:

Thank you, Phil. Was there anyone else? Come on up, sir. State your name for the record.

MR. NEWELL:

My name is Rob Newell. I stand before you today, Ladies and Gentlemen, as a Suffolk County resident and as a business agent for United Food and Commercial Workers, Local 1500. Currently, we represent over 22,000 members in the State of New York.

What County Executive Gaffney is trying to do, not only to my membership, but to my family and to myself, as a Suffolk County resident, is appalling, and I urge, with President Caffey and the rest of the Long Island Federation of Labor and the labor community at large, and as a citizen and as a resident, please do not give into this. Thank you very much.

(Applause)

D.P.O. CARACAPPA:

Thank you. Anybody else? Hearing none, is there a motion?

LEG. BISHOP:

Motion to close.

D.P.O. CARACAPPA:

Motion to close by Legislator Bishop.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Second by Legislator Foley. All in favor? Opposed? Abstention? Public Hearings 1729 is closed.

Going back to **Public Hearing 1615**. We have one card. **A Local Law to amend Process Servers Licensing Law in Suffolk County**. Phil. Phil Goldstein.

MR. GOLDSTEIN:

I have spoken with regard to this matter on many occasions in the past. There is, unfortunately,

an insidious association in which unscrupulous members of the legal profession employing criminals, which is the only way I can describe them, in the act of serving process, which undermines the whole judicial system in civil procedure. As I have said on previous occasion, as I assume all of you know, that initiating a suit begins by going into court and filing a claim and then notifying the person against whom you are making this claim, and that is due process of law through process. All right. And the Process Server has to serve this in accordance with law, and then fill out an affidavit in which he swears that he has properly served this person, so this person against whom you are bringing a claim may appear in court on the appropriate time and at the appropriate place to defend him or herself against this alleged claim. But, unfortunately, and this is not something new, this has been an ongoing practice within the legal profession, all right, there have been countless cases. Mr. Giuliani, when he was a prosecutor, prosecuted in New York City. Mr. Abrams, when he was the Attorney General of the State of New York, prosecuted widespread abuses of process in this regard. And what has happened now is it has been visited upon Suffolk County.

And I say it's insidious, because the individuals who suffer the consequences of this don't realize that they are part of a very large class, and that in the County Clerk's Office, there is a virtual minefield of liens that have been created as a result of summary judgments, because if I am not properly served because somebody has brought a claim against me and, thus, I do not appear in court to defend myself, the Judge can then render a decision and in favor of the person who is bringing the claim against me, and that person then can take that and use it as a lien against my property. And years can go by and these liens draw 12% interest, which is extraordinary in this day and age, and the end result can be that when I die, if my home is being sold, suddenly, the land mine explodes, up pops this lien. And in order to resolve the estate and sell the house, what has to happen is, inevitably, the family must knuckle under and meet the demands of the lien.

I won't go into the gory details. I've mentioned on previous occasions how these abuses have occurred. And the sad thing is that the District Attorney's Office does not treat this in a criminal manner, it's treated as a civil matter manner, so that when people claim that they have been criminally defrauded and that their property has been taken from them, if they go and file a police report, the police will not arrest, because they tell the individual that the District Attorney's Office well not prosecute. Because, if you come down to a traverse hearing, where there is a dispute as to whether or not proper service was rendered, all right, it becomes a he-said-she-said and the end result is that not only do they have to pay the lien and the interest,

but then they have to pay the added legal fees in attempting to defend themselves in court.

There are many people here, or some people here, who are attorneys who are well versed and who know about what I speak. And the point, very simply, is that Maxine Postal, unfortunately, she's not here and I wish her well, but she introduced this legislation because she herself had been a victim. However, now, I see that this legislation is being watered down, and I am concerned. All right. And I would oppose the watering down of this legislation. I would like to see it strengthened. And I have spoken with a representative of Maxine in that regard, proposing certain things that ought to be done in terms of bringing the District Attorney's Office into it, bringing in representatives of the victimized groups. There ought to be on that, instead of five members, perhaps seven, somebody representing organizations like NYPIRG, or some other consumers group.

D.P.O. CARACAPPA:

Phil.

MR. GOLDSTEIN:

Senior citizens.

D.P.O. CARACAPPA:

You know that sound, so I'm going to ask you to sum up.

MR. GOLDSTEIN:

Okay. All right. So, very simply, I would urge you not to adopt this amendment to the legislation, but, rather, that the legislation be amended to strengthen further in line with some of the recommendations that I have made, and that it be implemented.

Going back to what a previous speaker had said, this is a matter of priorities. There are lots of victims out there, but they're unaware of the size and the scale of the victimization, because it happens to individuals. So, please, this is a serious problem. And the fact that the Consumer Affairs Department says that they would be overburdened in the enforcement of this matter should not justify your allowing this to continue on in Suffolk County. Thank you.

D.P.O. CARACAPPA:

Thank you, Phil. There are no other cards. Anyone wish to be heard on this public hearing?

Hearing none, there's a motion to close by myself.

LEG. O'LEARY:

Second.

D.P.O. CARACAPPA:

Second by Legislator O'Leary. All in favor? Opposed? Intro Resolution 1615, the hearing is closed.

We have no hearings to set for September 16th, so, at this point in time, we are going to go -- the public hearing part of the meeting is over. We're going to go into executive session now to discuss Resolution 1776, which is coming over as a CN later this evening.

LEG. LINDSAY:

We have it. We have it.

D.P.O. CARACAPPA:

Right.

LEG. LINDSAY:

We just got it.

D.P.O. CARACAPPA:

As you could see, the executive session will be to discuss authorizing a lease of the premises of Suffolk County District Attorney. And in the executive session, I'm going to recognize the presence of all Legislators, Budget Review, the County Attorney, representative from the County Executive's Office, and that is all. So I'd have to ask everyone, all the public to step into the lobby for now. Thank you. Please turn off all the microphones. Motion by myself, second by Legislator O'Leary. All in favor? Opposed?

MR. BARTON:

16. (Not Present: P.O. Postal).

D.P.O. CARACAPPA:

Amend to have someone from the District Attorney's Office be present in executive session.

[EXECUTIVE SESSION WAS HELD FROM 3:05 P.M. TO 3:18 P.M.]

D.P.O. CARACAPPA:

Okay. There's a motion by myself, second by Legislator Foley, to come back into session. All in favor? Opposed? We're going to go directly to the CN's, Ladies and Gentlemen.

CN 1760, whereas it's authorizing the temporary placement of the Mahatma Gandhi Statue and exhibits in the lobby of the H. 1716.

LEG. VILORIA-FISHER:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Viloría-Fisher.

MR. BARTON:

Mr. Chairman.

LEG. VILORIA-FISHER:

Yes.

MR. BARTON:

Wasn't there a problem with that having to go to a special committee on the siting?

D.P.O. CARACAPPA:

Ah, yes, sir, but --

LEG. LINDSAY:

You're the Chair of.

D.P.O. CARACAPPA:

Which I am the Chair of. I think I'm the Chair of every committee.

LEG. FOLEY:

You are the master cylinder.

D.P.O. CARACAPPA:

Master cylinder. But --

LEG. VILORIA-FISHER:

Mr. Chair, I thought that it had gone through Space when it was previously introduced.

D.P.O. CARACAPPA:

No. There is a Sitings and Memorial -- a Symbols and -- yeah, this is a --

LEG. FOLEY:

Motion to discharge from the Committee.

D.P.O. CARACAPPA:

This is a temporary.

LEG. VILORIA-FISHER:

Yes, this is temporary.

LEG. FOLEY:

So that's not a permanent.

LEG. CARPENTER:

Does it speak to how long?

LEG. FOLEY:

So it artfully --

D.P.O. CARACAPPA:

It does? Counsel -- Counsel's, through a phone, has advised us that it does have to go through the Memorials and Sitings Committee. When is this -- when do they want to do this?

LEG. VILORIA-FISHER:

Yeah. The only problem is that they wanted it there for his birthday, which is October 2nd.

D.P.O. CARACAPPA:

Oh, we'll get it done. All right.

LEG. FOLEY:

Discharge from committee.

D.P.O. CARACAPPA:

Todd, you want to withdraw this and lay it on the table, because it has to go through the --

MR. JOHNSON:

It is. It is, I believe, already --

D.P.O. CARACAPPA:

It's already laid on? Okay.

MR. JOHNSON:

Are you saying it will be approved by the 16th?

D.P.O. CARACAPPA:

I'll schedule a meeting of the Memorial Committee for this -- for either the end of this week or the beginning of next week.

MR. JOHNSON:

So that it can be approved at the 16th and we can --

D.P.O. CARACAPPA:

And then we'll approve it at the next meeting.

MR. JOHNSON:

Okay. Okay, very good. Very good. I'm going to let them know that they can -- their concern was that they were able to advertise and move forward with this as soon as possible.

D.P.O. CARACAPPA:

Tell them to go ahead and --

MR. JOHNSON:

Okay?

D.P.O. CARACAPPA:

-- do all that.

LEG. VILORIA-FISHER:

Yes. That's what made this timely.

D.P.O. CARACAPPA:

Let's just, you know --

MR. JOHNSON:

Very good, that's fine.

LEG. VILORIA-FISHER:

Thank you, Mr. Chairman.

D.P.O. CARACAPPA:

You know what? Where's M.J.

MS. BURKHARDT:

She's right over there.

D.P.O. CARACAPPA:

M.J., just make a note for Counsel that I'd like to do a resolution disbanding that Sitings and Memorials Committee.

MS. KELLY:

Okay.

D.P.O. CARACAPPA:

I'm serious.

MS. KELLY:

Okay.

D.P.O. CARACAPPA:

Okay. **CN 1769 - Accepting and appropriating 75% grant funds received from the New York Division of Criminal Justice Services (New York State Comptrollers number C825630).**

LEG. FOLEY:

Motion.

LEG. O'LEARY:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Foley.

LEG. O'LEARY:

Second.

D.P.O. CARACAPPA:

Second by Legislator O'Leary. Todd, anything? All in favor? Opposed? Abstentions? It's approved.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

It's approved. Now, we will come back to the other CN after we --

MR. JOHNSON:

Redact the -- yes, okay.

LEG. FOLEY:

Yes.

MR. JOHNSON:

Very good.

D.P.O. CARACAPPA:

Yes. Todd, do you have any other statements to be made on behalf of the County Executive at this point in time.

MR. JOHNSON:

Not today, no.

D.P.O. CARACAPPA:

That's it?

MR. JOHNSON:

That's it.

D.P.O. CARACAPPA:

I had asked Steve Arata to attend the meeting. Is he here? Is he present? Mr. Arata? That's wonderful. Okay. Then, at this point in time, I'm going to go back to the agenda.

LEG. FOLEY:

1732.

D.P.O. CARACAPPA:

1732 (Approving maps, authorizing the acquisition of lands together pursuant to Section 206 of the Eminent Domain Procedure law, in connection with the acquisition of properties for safety improvements along Montauk Highway on CR 85 at Atlantic Avenue, Town of Brookhaven, Suffolk County, New York).

LEG. FOLEY:

Motion, Mr. Chairman.

D.P.O. CARACAPPA:

We need to table it.

LEG. FOLEY:

Why?

D.P.O. CARACAPPA:

Right?

MS. BURKHARDT:

Because it just had a corrected copy.

D.P.O. CARACAPPA:

Just a corrected copy.

LEG. FOLEY:

Can you tell me --

MS. BURKHARDT:

It was filed after the corrected copy deadline.

LEG. FOLEY:

Okay.

LEG. BISHOP:

I'm sorry. Where are we?

D.P.O. CARACAPPA:

We're on 1732, Legislator Bishop.

LEG. GULDI:

Motion.

D.P.O. CARACAPPA:

We have to table it based on a corrected -- motion to table by Legislator Foley, second by myself. All in favor? Opposed? 1732 is tabled.

MR. BARTON:

16. (Not Present: P.O. Postal)

WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE

DISCHARGE BY PETITION

D.P.O. CARACAPPA:

Discharged by Petition: **1664 - Approving the appointment of Andrew Nowotny as a member of the Suffolk County Public Employment Relations Board.**

LEG. GULDI:

Second.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

There's a motion by George Guldi, Legislator Guldi, seconded by Legislator Binder. I think I heard his voice.

LEG. BINDER:

I'm here. I'm here, I'm good.

D.P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1664 is approved.

PUBLIC SAFETY & PUBLIC INFORMATION

Public Safety and Public Information: **1661 (Accepting an appropriating a grant in the amount of \$41,160 from the State of New York Governor's Traffic Safety Committee, for Suffolk County Police Department to fund the Safety Corridor Enforcement Program with 90.75% support).** Approved 4-0-0-2. Motion by Legislator Carpenter, second by myself. All in favor? Opposed? Abstentions? 1661 is approved.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1665 - Approving the appointment of Anthony V. LaFerrera as a member of the Suffolk County Fire, Rescue and Emergency Services Commission. Motion by Legislator Carpenter, second by Legislator Fields. On the motion, Legislator --

LEG. FIELDS:

No.

D.P.O. CARACAPPA:

No? Seconded by Legislator O'Leary. On the motion, Legislator Alden.

LEG. ALDEN:

Just this is an appointment. Who is he replacing and --

LEG. FOLEY:

David.

LEG. BISHOP:

What are we on?

LEG. ALDEN:

Could we just get a little information on --

D.P.O. CARACAPPA:

Just one second.

LEG. BISHOP:

FRES. This is the temporary appointment, right. So it doesn't -- yes, I'm supportive.

LEG. ALDEN:

Okay.

LEG. BISHOP:

I assume we're all going to be supportive. It's good, good, good.

D.P.O. CARACAPPA:

This next bill is the unexpired term of Joseph Acuri. The term begins from July 1st, then expires -
-

LEG. TONNA:

Is there a motion already?

D.P.O. CARACAPPA:

-- December 31st of this year.

LEG. TONNA:

I'd like to make the motion to approve.

D.P.O. CARACAPPA:

There's a motion and a second already.

LEG. TONNA:

Oh, there is?

D.P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal).

D.P.O. CARACAPPA:

1532 (Amending the 2003 Capital Program and Budget and appropriating planning funds for Jail Utilization Study/New Replacement Facility at Yaphank (CP 3008.111)).

Is there a motion?

LEG. BISHOP:

This is --

LEG. FOLEY:

No motion.

LEG. BISHOP:

I just want to get the clarification on it. Could you just read the description?

D.P.O. CARACAPPA:

Yes. This is a resolution to conform to the Omnibus Work Group amendments to the Capital Budget and Program by taking the 1,130,000 for planning in a 280 bed facility in Yaphank Resolution 1138 of '02, and adds 3.2 million of planning money for a new jail facility at Yaphank, with the offset money coming from renovations at the Yaphank Correctional Facilities, so that there'll be enough money to get this project moving forward in a timely fashion. This is what we did during the Capital this --

LEG. CARPENTER:

Right.

LEG. BISHOP:

So, this, Mr. Chairman, is the -- this is a 5 million dollar -- this is the first time the rubber meets the road when it comes to appropriating funds for a 150 million dollar, eleven hundred and thirty bed facility in Yaphank.

D.P.O. CARACAPPA:

That's a proper way of describing it.

LEG. BISHOP:

Okay. Well, then I ask to be recognized, if I may.

LEG. VILORIA-FISHER:

There's no motion, yet.

LEG. CRECCA:

You are recognized.

LEG. BISHOP:

Okay, good.

D.P.O. CARACAPPA:

I recognize you.

LEG. BISHOP:

Because I was being recognized if a question, now I --

D.P.O. CARACAPPA:

You look very familiar.

LEG. BISHOP:

Okay. I just want to make the following statement: You've heard many speeches about the ballooning Capital Budget. I just want you to consider the following perspective when it comes to the overall Capital Program in Suffolk County and what this will do to it.

This is a 150 million dollar new eleven hundred and thirty bed facility in Yaphank, but in the jail project is different than other capital projects, because it is likely to have a negative effect on construction jobs in Suffolk County over the long run. The fundamental problem is that unlike other capital expenditures, such as roads, office building renovations, building emergency housing, most any other government investment, a jail does not increase government efficiency, lowering operating costs and, in effect, paying for itself. In jails, function follows form. And, as we all know, the way that this jail is planned as a maximum security design will have to be

staffed and run as such.

According to our Budget Review Office, the maximum security design will require an additional expenditure of 50 million dollars a year to staff and operate. Consider that, please. Fifty million dollars a year additional expenditure in the Operating Budget. It will also have a debt service of 10 million dollars. So the total impact on the annual Operating Budget of Suffolk County in a given year, once this is built, is 60 million dollars. That's more than we tax on property. Our tax levy for property in this County is 58 million dollars. So that's 100% increase that you're signing on to if you vote for this.

Unfortunately, you all know, as well as I do, that the Legislature is unlikely -- unlikely to either do -- to do what is necessary to raise the revenue if they go down this path. So what will happen is that we're either going to be forced to cut the County's Operating Budget and harm our most vulnerable citizens, or we will cut out any new investment. That's the more likely path.

Each year, when Legislators consider the Capital Budget, the discussion invariably begins with an accounting, that the tax dollars that we need to spend not to raise taxes. In other words, let me rephrase that, each year, when Legislators consider the Capital Budget, the discussion invariably begins with ascertaining the dollar amount that we can spend that does not raise taxes, in other words, a level debt policy. Currently, level debt is 20 million dollars a year. The jail, at 10 million, with a level debt policy, cause 10 million dollars in debt service cuts to other capital projects. But level debt service is wishful thinking when the Operating Budget is being bloated with a 50 million dollar pump-up, as I explained. It is likely that we will want to cut debt service to help offset the huge new expense.

Also, let's forget that jail construction receives zero aid. So unlike a Community College project, a Health Department project, a DSS project, or a Court project, the jail is a zero sum gain for County. One County tax dollar gets you one County -- one dollar of County spending. If the jail has the effect of crowding out other investment, it is likely to come at the cost of losing projects where County dollars are being leveraged. If Legislators commit to the jail and want to keep debt service relatively flat, then the result will be fewer construction jobs and less County investment.

Increased capital spending and job creation is possible, but not with projects that cause a spike in the Operating Budget, and not with projects that do not use leveraged dollars.

So the point of this discussion is that this project is not even going to help create jobs. This is the worst policy decision this County could possibly make. We are doubling the property tax, doubling the property tax, and ultimately crushing investment spending in this County. So I once again urge all of you to reconsider this path that you want to go down.

D.P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

Yeah. And I don't want to reiterate the whole --

LEG. BISHOP:

Oh, and --

LEG. CRECCA:

Go ahead. Do you want to add something?

LEG. BISHOP:

Yeah. I want to add that anybody who could have possibly voted earlier in the day not to renew the sales tax, right --

LEG. TONNA:

Right, absolutely.

LEG. BISHOP:

-- and earlier in the day voted to borrow money to pay for operating expenses --

LEG. TONNA:

Right.

LEG. BISHOP:

-- then to vote for this, that person is a true hypocrite.

LEG. TONNA:

True, true. Michael, not in the true sense of the word.

D.P.O. CARACAPPA:

Andrew.

LEG. CRECCA:

Thank you. Well, being the hypocrite that I am, I think I intend to support this. And part of the problem is we keep ignoring the jail. I've been here for -- I'm on my fourth year now, and every year, I hear the same thing when we're doing the capital project, let's put off the jail, let's put off the jail, but it is a problem that grows worse every year, and we continue to ignore it. You know, we did that with a juvenile detention center and it caused us problems. But in this particular instance, it's going to cause much greater problems than that it did.

We have a -- we have a jail that is overpopulated, that doesn't meet minimal standards by the State's rules, yet, Dave, you want to put this over again another year, or another year out, and there's no -- you know, I think the plan that was put together in this year's Capital Budget with a phased construction on this project, I think it makes sense. It's spread out over a number of years, and it shows that we do have a plan to deal with this. I haven't seen a better plan presented in this case, other than to just put off fixing our jail. We have to do that. We owe it to the public, Dave, for the simple reason of public safety alone, we need to do that. We have to have a place to put our prisoners and they have to be kept, you know, contained, and we need to meet State standards.

D.P.O. CARACAPPA:

Angie.

LEG. BISHOP:

And I'll go back on the list.

LEG. CARPENTER:

Thank you. I don't have a prepared speech.

LEG. BISHOP:

You should make one.

LEG. CRECCA:

Stop with the comments.

LEG. CARPENTER:

Yeah, thank you.

LEG. CARACCIOLO:

BRO report.

LEG. CARPENTER:

I would just urge my colleagues that these two resolutions really do need to be supported. We have talked about this, debated this, and you just can't put it off. The jails are not exactly exciting, and something that people are not prone to want to support, but it's a necessary fact of life. It is something that we are charged with. As a County, one of our responsibilities is to provide for the jail. And for us to not move forward with this when we have been granted waivers by the Commission on Corrections -- and I received a letter just yesterday, and I know that there are representatives here from the Sheriff's Department, and I have someone now checking to see if I can get a copy of it here now, so that I can share it with everyone, but they make it abundantly clear that they are not going to continue. We were given another temporary waiver to house excess capacity at the jail. But they are not going to continue to grant these waivers. And I'm sorry that the person who was arguing the loudest against this isn't here to hear it, but I guess he's doing an interview now. But they are not going to continue to grant us waivers, unless we show a serious commitment towards trying to address this problem long-term, and this is the first step in trying to do that. So, for us to not adopt this today, this first planning step, or not to adopt doing some temporary renovations to the facility in Yaphank, that our Correction Officers are forced to work in conditions that are less than appropriate is really patently unfair.

D.P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. I have a question for Budget Review. Legislator Bishop before quoted an operating

number. Did you guys develop that number, or did that come from the Sheriff's Department?

MR. POLLERT:

That came from the Sheriff's Department with respect to the operating costs, the cost of the debt service came from Budget Review.

LEG. LINDSAY:

I realize that. Wasn't that number revised during the budget talks when we questioned how can you assess a number to it before the jail is designed yet?

MR. POLLERT:

There was a lot of controversy with respect to what the Sheriff had included in the budget request. We felt that the number was accurate based upon what the operating costs for a new facility would be, as well as the fact that the Sheriff includes in his budget request that he is short of staff on a current type of basis. So part of the difficulty with respect to the number is that the Sheriff believes that he is short Correction Officers now. He has included that in his budget request, and that would, of course, be ported over to the new jail. That's part of the reason that the request that was put out by the Sheriff's Department included that large cost increase.

LEG. LINDSAY:

Because I, recall, during those budget talks, we got a revised number of 27 million dollars. Do you remember that document?

MR. POLLERT:

No, I don't.

LEG. LINDSAY:

All right. I have it somewhere. I have it somewhere. The facility that this jail is looking to replace, the Yaphank facility is 50 years old. If anybody doubts that it needs to be replaced, they really should tour it. It's literally a lawsuit waiting to happen. Someone's going to get killed out there, whether it be some of our Correction Officers or some of the inmates. And in either case, we're the responsible party for that.

I think the plan that we came up with to build a new jail in two phases, if needed, and

simultaneously doing a utilization study to see if we can incorporate any alternatives to incarceration I think is a sound plan, and I think it should be carried through.

I don't think -- we live in a County where we enjoy a relatively low crime rate. That doesn't happen by accident, it happens because of our Criminal Justice System that we are responsible for. And I think, overall, from the Police to the District Attorney to our correctional facility, they do a good job, but you can't be tough on crime without having a jail to accommodate the rest of the components of the system.

And I, too, urge, that we move forward down this road, not necessarily to build all eleven hundred cells. I think we can look at that further down the line. But one thing is certain, the facility that's there now is literally falling down and we have to do something with it, because, if we don't do something with it, we're going to wind up shipping all our prisoners out of town at a huge cost with nothing to show for it.

LEG. CARACCILO:

Joe.

LEG. BISHOP:

Am I on the list?

D.P.O. CARACAPPA:

You are. Brian's next, then Paul, and then David, then Angie, and Mike.

LEG. FOLEY:

First, I have several questions for the Budget Review Office, following up on Legislator Lindsay's comments. These monies are planning monies, or are they to be utilized for the Jail Utilization Study, or how are these monies -- how are they going to be used, if appropriated.

MR. POLLERT:

Our understanding, that it is to be for planning funds. The County Legislature had previously --

LEG. FOLEY:

Planning funds for the building.

MR. POLLERT:

That is our understanding. The County had previously appropriated some planning funds, but those funds are insufficient to carry the project forward. This 1.9 million dollars, together with the money that's included next year, should be sufficient to do planning for the facility.

LEG. FOLEY:

Yeah. The original planning was for 280 beds.

MR. POLLERT:

Right.

LEG. FOLEY:

Bed facility. So the Jail Utilization Study is underway now; is that not correct?

MR. POLLERT:

That is correct.

LEG. FOLEY:

And that will be completed by when?

MR. POLLERT:

That, I don't know.

LEG. FOLEY:

If we could hear from --

D.P.O. CARACAPPA:

I've spoken to Pulitzer and Bogard, who were awarded it, and they're working on it. They're --

LEG. FOLEY:

Okay.

D.P.O. CARACAPPA:

They're actively putting together information.

LEG. FOLEY:

Okay.

LEG. BISHOP:

So we're hoping within a month or two.

LEG. FOLEY:

Okay. One of my concerns, Mr. Chairman, is putting the cart before the horse, where we'd be voting on planning monies when -- for a building when the Jail Utilization Study has not been completed. I first would like to see the results of the Jail Utilization Study.

One of the issues that had arisen during the Capital Program, and one to this day that I haven't received an answer on, and I know the Utilization Study is reviewing it, is the notion out there that there's anywhere from three to four to five hundred empty beds in Nassau that could be used for jail space. And I'd ask some months ago about that and I was told that that would be reviewed and looked into under the auspices of the utilization study. If those -- if that many beds are available, then, obviously, that opens up a whole other host of questions that we should look at.

My other concern I have is we have a resolution right after this to appropriate 1.3 mill. in connection with renovations to the current facility, but when we read some of the "whereas" clauses, and I say this respectfully, but when we read some of the "whereas" clauses in this particular resolution, it states that, for instance, "Whereas, said construction funds should be used for the planning for eleven hundred and thirty cell replacement facility," so the "whereas" clause states it's eleven-thirty that they're looking at doing, instead, instead of renovating the existing dormitories, when, in fact, the next resolution will renovate the existing dormitories. And then it goes on to talk about the need, again, to go to 1130, when I don't think that determination has yet been made by the Utilization Study, number one. And I would also raise the issue of whether or not there even has been an agreement as to the location of a new facility. It could be Yaphank, it could be somewhere else.

So the point I'm raising is before we move forward with a substantial amount of planning monies, we first need to have the Utilization Study completed, reviewed, discussed and debated prior to appropriating any money to a facility located here or possibly elsewhere. Or in lieu of expansion at Yaphank, whether or not these four to five hundred beds that supposedly are

available in Nassau could be retrofitted for our use. Thank you.

D.P.O. CARACAPPA:

Paul, Legislator Tonna.

LEG. TONNA:

This is my concern. My concern is this, and I think that Legislator Bishop brought it up. When you're willing to fund one thing and not willing to fund another, when you're willing to play the games of -- and today we have a very, very serious vote in front of us; okay? We have a Presiding Officer who is ill, who I think it's tough when you're going for testing and everything else to even have to come here, to have to be even concerned with coming here, and I just find it -- you know, in a certain sense, I wonder if Legislator Fisher, Foley, Lindsay, Tonna, Carpenter, Nowick, Bishop, Cooper, and Caracappa, if we're not the enablers, if we're not the people who say, "We're the ones who are taking the vote," you know, "because we think it's the right thing." We're the enablers here to let other people get off and now vote for a jail, or vote for a \$500,000 budget, you know, member item, or whatever else. This is ridiculous. And in a certain sense, I would say, myself included, I am seriously looking at every single vote in light of what I think we're at an edge of a precipice.

Right now, we have a situation where there might be a 400% property tax increase, because we don't have the willingness of two, three, four, five, six, seven Legislators, who every single one of them, including the rest of us, have been willing to spend money on very beneficial and laudable projects and programs, and whatever else, including this jail, and, on the other hand, are not willing to fund the County to the tune of 220 million dollars. And, yeah, it's a two billion dollar budget. We know, with discretionary money, we know exactly, you know, what. 220 million dollars mean when you add, all of a sudden, the matching funds that we need, and everything else. This is a huge amount of money.

And so I'm going to make a motion to table this resolution. I was for this jail, for the building of this jail, but I -- until I find out where we are with regard to the willingness of the nine Legislators who are willing to enable our colleagues to just get away with this, or the seven Legislators who voted against it, okay, in light -- I'm not willing to spend any money. I don't know if we need a jail as opposed to -- because I have to juxtapose that to the funding of maybe more child protection workers. All right? When somebody's beating the heck out of a little child, I want to make sure that there is somebody to go to that house and pick them up and take care

of them, and have good foster care for them. And when somebody's not making the payments to families, single mothers or fathers who are raising their kids to get child protection payment, or, you know, child supports payments, I want to make sure that the County government is funding that. And the Police, I want to make sure that when somebody is committing a crime, that there are police on the streets, okay, and the proper detectives, and, you know, superior officers and the proper command, the proper resources, and proper computers, and everything else that 220 million dollars affords.

And the jail, to tell you quite honestly, in the large scheme of things, to me right now, because I don't know where we are on a critical, critical vote, I am for tabling this, and for sure, of making and asking my nine colleagues, okay, who have voted for a continuation of a tax that's been here for quite sometime, to look at enabling our colleagues to spend without taking the votes, that if you gave 90% of these people a little sodium pentathol, they would say, "Of course, it's got to be done, but, you know, I'd rather you do it." Every one of them has their own little story of why they're not going to fund it.

And so I would ask my colleagues -- I'm making a motion to table.

LEG. BINDER:

Second.

LEG. TONNA:

I would ask somebody to -- there, I got the cooperation of Legislator Binder to table this resolution until such a time where we find out who is willing to say that County government is an important institution that needs to be funded, and certain things -- and, sure, we could say, "Let's cut the waste," we could say a lot of things, and all of us have over the years, with competing visions, competing models of how we're going to make it run more efficiently. But the fact is, is that there are things that need to be spent. Thank you.

LEG. FOLEY:

Do you have a date certain for that tabling motion?

D.P.O. CARACAPPA:

Right now the tabling motion is.

LEG. FOLEY:

Yeah, but table until when, though. It's got to --

D.P.O. CARACAPPA:

Table to the next meeting.

LEG. TONNA:

To table until the next meeting. It's a tabling resolution to the next meeting.

D.P.O. CARACAPPA:

Before I recognize the next speaker, I'd just -- I'd like to thank Legislator Tonna for --

LEG. VILORIA-FISHER:

Was there a second on that?

D.P.O. CARACAPPA:

Yeah, there's a second. There's a motion and second to table. I'd like to thank Legislator Tonna for his comments. I was ready to support this as well, as I have been from when we came out of the Capital Budget, but your words ring so true. And it always seems like it's nine or ten of the same Legislators who are sitting in the budget room at eight in the morning four times a week during the budget process, whether it be the Capital Budget or be the Operating Budget, that we sit with Budget Review, that we go over the Community College budget, and we take the hard votes. It's always the same people. And I agree with you 100%, Legislator Tonna, and I want to thank you for saying those words on the record and making it crystal clear what we have to do today. It's our responsibility, not only to us, not politically, but to the people that we are out there aggressively asking from this day forward to November, asking them passionately to let us be responsible on their behalf in the seats that we sit in right now, and we're abandoning our responsibilities. I see it more often as the years go on that I'm here. And I just, again, want to thank you. Legislator Bishop.

LEG. BISHOP:

If there's a motion to table, I'll withhold my remarks for the next time we get to debate this.

D.P.O. CARACAPPA:

Legislator Carpenter, you're back up.

LEG. FOLEY:

Move the question.

LEG. CARACCILOLO:

Move the question.

LEG. TONNA:

Move the question.

LEG. LINDSAY:

No. I've got to talk about the tabling issue.

LEG. CARPENTER:

Well, on the tabling, there was just a statement made, and I know the gentlemen from the Sheriffs Department are here, and I just want to make sure that we get the record straight on one particular statement, and that was that there are three or four hundred vacant inmate beds in Nassau County. And I think that that one particular item, if we could have it addressed before we move forward with this tabling.

LEG. VILORIA-FISHER:

That seems fair.

D.P.O. CARACAPPA:

Under-Sheriff Denzler, why don't you just come up quickly and just -- is there that kind of capacity in --

UNDER-SHERIFF DENZLER:

Just a clarification on that. Each county is obligated to provide housing in its correctional facility to house it's own inmates. When the County is not capable of housing it's own, it has to approach the Commission to get permission to put them someplace else. That permission is usually granted based on an explanation as to why you have to send them there and how this is going to be a temporary measure. It's not a matter of looking around and saying, "Well, there's "X" number of beds available throughout the state, so we could just utilize wherever we want to go."

The problem, also, with that is the fact that a county may have available space in it does not mean that they're going to agree to take the inmates that we want to send to them. As it is right now, we've had Oneida County reject some of the inmates that we wanted to send to Oneida and we had to find someplace else to send them. So it's not just a matter of, well, such and such a county has empty beds in it and we'll just send them there, it doesn't work that way.

D.P.O. CARACAPPA:

Okay. Thank you for making that clear for us. Mike, you'll forego?

LEG. CARACCILO:

I'll yield to the vote. There's a motion to table and a second. Let's --

D.P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Well, the only point that I wanted to make is that I can understand Legislator Tonna's frustration. I don't know whether it's the most responsible thing to do by tabling this at this time. We kind of had an understanding to move along a dual track, where we would study the alternatives for incarceration, and, at the same time, go forward with the plans to build a jail. We're probably about three years behind of where the State authorities want us to be. And, you know, again, and we've heard it many times, and we keep playing chicken with this issue, but if all the variances are removed, it's going to cost us a pile of money almost instantly. And it would be a very hard thing to explain how we suddenly developed a 20 million dollar hole in our existing budget.

I am anxious to see how the vote on the other resolution turns out later on. And, again, I agree with Legislator Tonna's frustration, but I think to reject 1730 would be irresponsible, and I think to reject these next two resolutions, would be compounding that irresponsibility, and I'd hate to see one be attached to the other.

D.P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

Somewhere in my education, I learned that you study first and then you take action. And I think that the dual track is something that only Robert Moses could love. I mean what's, the point of a dual track making commitments on millions of dollars of preparation to build a jail, and then your going to find out later that you shouldn't do it that way? Shouldn't we get the answer first? Shouldn't we have the needs assessment completed before we invest this type of money? Well, of course, we should. This is really irresponsible governing what's occurring, and moreover, it's based on a lot of false information.

One of my favorite falsehoods in this whole debate is that it's.
20 million dollars a year to send prisoners out of Suffolk County.
Mr. Pollert, how much have we spent this year, approximately?

MR. POLLERT:

Somewhere in the neighborhood of \$500,000 at this point.

LEG. BISHOP:

Five hundred thousand dollars, correct. And thank you. I mean, I assume that's correct. Even if it were true that we were spending.

20 million dollars, 20 million dollars is 40 million dollars less than 60. So the policy that we're going down the path of, of a 60 million dollar Operating Budget bloat every year, is completely irresponsible. And it's -- you can't even contemplate it when you have a Legislature that earlier in the day can't say no to additional expenditures paid for with borrowed money, and couldn't find an offset for the borrowed money. In other words, you can't cut one dollar. This Legislature, when it in votes on those three-quarter borrowings, is saying, "I can't cut one dollar from anywhere in the budget." And now you're going to add 60 million dollars? And this Legislature doesn't even have the stomach right now to approve the same level of taxation that is currently going on. So you're clearly not willing to raise taxes, fine, but you can't even find a dollar to cut elsewhere, and you're going to add 60 million dollars before the study? Come on.

D.P.O. CARACAPPA:

Legislator Fisher, Viloría-Fisher.

LEG. FOLEY:

Here-here.

LEG. VILORIA-FISHER:

We're looking for people to be consistent. I attended a Public Works Committee meeting at the lunch hour where Legislators who, although they did not agree with my position, I respected their position that they wanted to further study the impact of the green buildings. Their concern was that there would be too much capital expenditure in building these buildings, although there are statistics showing us that green buildings would save money in the long run. However, they wanted to take the time to further study and look and look at all of the information available. I agree with David Bishop, who is saying let's look at the study when it's completed, and I believe the completion date will be December for the committee's report on the jail study?

D.P.O. CARACAPPA:

Hopefully.

LEG. VILORIA-FISHER:

Should be by December.

UNDER-SHERIFF DENZLER:

No. The scheduled completion date is in February.

LEG. VILORIA-FISHER:

At any rate, if Legislators -- and the same Legislators who are pushing this particular legislation, I sat and listened to these people in Public Works saying we need to have a report before us before we can vote on it, and that's a piece of legislation that would -- that would be a cost savings measure in maintenance and operations over the long run. So, if you're going to wait for reports and wait for all of the facts to be in on one piece of legislation, let's be consistent and see it on all of the legislation that's before us, especially one that's going to cost as much money as this one.

D.P.O. CARACAPPA:

Legislator Carpenter. Finally, Legislator Carpenter.

LEG. CARPENTER:

Thank you. The resolution that's before us is the first step towards planning. And I think that

there was much debate and discussion about trying to move forward on parallel tracks, again because we are under the gun by the Commission on Correction. They are not playing games, and very often we've heard alternatives to incarceration. Well, when we had the representatives from the Commission on Correction from New York State come before the Public Safety Committee last year, they made it abundantly clear that if anything, we have totally maxed out what we can possibly do in the area of alternatives to incarceration, that we are probably one of the model counties in using alternatives to incarceration.

And if anyone thinks the report or the study is going to come back and say we don't need any jails, any additional jail space, or we don't need -- you know, we have too much, you're dreaming. That's not going to be the case, and I think we've asked that question. The study, the jail expansion study is meant to give us a clearer picture of exactly how to move forward. But this planning step and the small percentage of money that it's moving forward in the -- in comparison to the total cost of the project is insurance money to make sure that we don't get those waivers lifted.

The Sheriff's Department now are already having difficulties meeting their budget because of the cost of shipping out prisoners. We have spent a lot of money every month in housing prisoners out of county. And I would like to ask Fred if you could tell us, if those waivers were lifted and we had to send all of the prisoners out, can you give a ballpark guess on what that might cost us?

MR. POLLERT:

No, not off the top of my head.

D.P.O. CARACAPPA:

What?

LEG. FOLEY:

Do it next week, Public Safety meeting. Public Safety meeting is next week.

LEG. CARACCILOLO:

Move the motion.

D.P.O. CARACAPPA:

Okay. Thank you, Legislator Carpenter. There's a motion to table and a second. Keep in mind, we meet again in two weeks, right?

LEG. FOLEY:

Three weeks.

D.P.O. CARACAPPA:

Three weeks. To table, roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. BISHOP:

Yes, to table.

LEG. NOWICK:

Yes.

LEG. CRECCA:

No.

LEG. CARPENTER:

No.

LEG. ALDEN:

Nope.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

No.

LEG. FOLEY:

Yes, to table.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes, to table.

LEG. GULDI:

No.

LEG. CARACCILO:

No.

D.P.O. CARACAPPA:

Yep.

LEG. GULDI:

We get to do it again.

MR. BARTON:

Ten.

D.P.O. CARACAPPA:

1702 (Appropriating funds in connection with renovations at the Yaphank Correctional Facility (CP 3009)). Should I say same motion, same second, same vote?

LEG. FOLEY:

Explanation on the description of the project, please.

LEG. BISHOP:

No, this is actually --

LEG. CARPENTER:

Yes, this is for the repairs at the facility in Yaphank.

D.P.O. CARACAPPA:

1702 is 1.3 million dollars in serial bonds that would be appropriated for renovations at Yaphank Correctional Facility, with a priority ranking of 64. Okay?

LEG. CARPENTER:

Motion.

D.P.O. CARACAPPA:

There's a motion by Legislator --

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

-- Carpenter, second by Legislator Foley. All in favor?

MR. BARTON:

There's a bond.

D.P.O. CARACAPPA:

Oh, roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARPENTER:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

Legislator Binder.

LEG. BINDER:

Yes.

MR. BARTON:

You said yes?

LEG. GULDI:

Yes.

MR. BARTON:

16. (Not Present: P.O. Postal).

LEG. ALDEN:

Through the Chair, should we dispense with the Legislator before each one of our names on these roll calls?

D.P.O. CARACAPPA:

Dispense with Legislator? Yeah.

LEG. ALDEN:

Yeah.

D.P.O. CARACAPPA:

Henry, just names.

MR. BARTON:

Okay.

D.P.O. CARACAPPA:

Thank you. We're now going to go back to 1730. No. Actually, first, we're going to go back to tabled, tabled resolutions.

LEG. BISHOP:

Are we finished?

D.P.O. CARACAPPA:

No. We had made a motion before lunch to put off --

MS. BURKHARDT:

You're on the wrong page.

D.P.O. CARACAPPA:

Put off -- no. We're going to do -- we're going to do Ginny's bill first.

MS. BURKHARDT:

Oh, okay.

D.P.O. CARACAPPA:

Because that's how we tabled them, in this order. Page --

MS. BURKHARDT:

Page 10.

D.P.O. CARACAPPA:

It's Page 10.

MS. BURKHARDT:

1592.

D.P.O. CARACAPPA:

1592 (Authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of land known as Bluepoints Company Property -- Uplands, Town of Islip, Suffolk County, New York). This is the Bluepoints Company property. Legislator Fields, what's your pleasure?

LEG. FIELDS:

I'm going to make a motion to approve.

LEG. LINDSAY:

Second.

LEG. GULDI:

Second.

D.P.O. CARACAPPA:

There's a motion to approve by Legislator Fields, second by Legislator Lindsay.

LEG. BINDER:

Motion to table.

D.P.O. CARACAPPA:

What's that? I'm sorry?

LEG. BINDER:

No, no.

D.P.O. CARACAPPA:

All in favor?

LEG. CARACCILOLO:

Roll call.

{ Roll Call Said in Unison by Legislators }

LEG. FOLEY:

On the motion, Mr. Chairman.

LEG. CARPENTER:

On the motion.

D.P.O. CARACAPPA:

On the motion Legislator Foley and Carpenter.

LEG. FOLEY:

Thank you, Mr. Chairman. We've had a lot of spirited discussion and input, if you will, from the public on this. They've spoken both with their hearts and their minds. I'll speak also from both perspectives.

Having grown up in the Great South Bay and having this company named after the hamlet that I've grown up in in Blue Point. This particular facility has great cultural, historic, maritime and also aquacultural import. This is an area that we have the opportunity to preserve. When you -- one -- when you consider one of the major points that was raised, and it's one that was new to me, all the years I lived in the Great South Bay, I never new this until they mentioned it the other day, and mentioned again today, about the salt water aquifers, the salt water wells that are utilized at that particular site that are only found at that site. And all the coastline on the north end, North Shore, East End or South Shore, the only place where they have these kinds of wells, salt water wells, are right here in West Sayville, and that enables them to grow clams, oysters and the like. And no other place in the County has that. And I wish Legislator Guldi would listen to this, as opposed to making commentary.

The fact of the matter is, if we don't save this particular property, this unique environmental aquacultural gem is going to be lost. Now today's vote does not mean that we're going to automatically condemn the property. What this vote will do today will enable a public hearing process to be followed through on in which those who support the condemnation and those who don't can go to that particular hearing and discuss the issue once again. So this is to give the public and to give others the opportunity at a public hearing process about -- to weigh the pros

and cons in condemnation. Today's vote does not automatically condemn the property.

I would ask my colleagues to try to focus on this resolution alone and not get too entangled or entwined in votes on the sales tax or votes on other things. Let this issue stand on its own merits, because it deserves to be looked at in its own merits. This is a unique opportunity. Nowhere else in our County do we have this kind of well field. Let's try to preserve this, and at least the first step is to allow the process to continue. Thank you.

D.P.O. CARACAPPA:

Legislator Carpenter.

LEG. VILORIA-FISHER:

Mr. Chairman.

LEG. CARPENTER:

Thank you. One of the speakers today urged us to move forward with this acquisition, and I think it's important that people understand that we're not considering an acquisition. In order to have an acquisition, you need to have a willing seller and a willing buyer. That's not the case here. What is being asked of us is to start a process, a public hearing process, to have a condemnation of the property, and that's entirely different from an acquisition.

It's been stated, if I understood correctly, that we should go forward with this resolution and have this public hearing and let the public be heard, but I think that we do that on a regular basis at this body throughout our public portion and our public hearings that we hold here in the Legislature. The public has ample opportunity to be heard and we've listened. For us to move forward with a formal public hearing process for a condemnation is going to require the expenditure of resources, whether they be the labor that's involved with the actual physical process of holding the public hearing, expending the stenographers, advertising the hearings in the newspapers. These are all costs at a time when every single department is complaining that they're short-staffed and don't have the resources that they need to do their work.

And I think that just to say, "Oh, we're, you know, doing this so that the public can have their say," we are listening to the public, we have listened. But we are those that have been elected, and someone else challenged us today, a speaker earlier today, to do why -- in fact, the words were, "Remember why you were elected. Remember why you were elected and the people that

you represent." Well, the people that I represent I don't feel would support moving forward with a condemnation when the processes in place for someone to perhaps move forward with a project, and if they do, they've got to go through an entire process, including having to get approvals from DEC and every other environmental requirement that's going to be put before them.

So, to think that if someone is moving forward with this project is going to destroy the environment, to me that seems contrary, because no one today in this climate can move forward with anything with the DEC in place unless they do everything that's environmentally appropriate and right.

So, for those reasons, I am not willing to support this resolution that pushes forward with an exercise when the overwhelming majority of this body is not going to support a condemnation process. It would be unfair to let anyone, and most importantly the residents in the immediate area, think that that is going to happen.

D.P.O. CARACAPPA:

Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:

I agree with some of the points that you made, Legislator Carpenter. I'm not a proponent of condemnation, because it winds -- it sometimes results in a great cost to the municipality involved. However, I recently received, and I'm not certain if everyone received this, an outline of the process that was sent to us by Christine Costigan. And the passage of 1592 would result in public hearings.

There are many questions that I still have regarding this issue. The CEES Group that has come to speak before us, I would like to know what kind of contracts there will be with the tenants who are going to be doing the marine research there, how reliable are those groups. I have a variety of questions. I have a question about the salt water well. And I believe that a public hearing that's devoted to this issue would be a good venue to have those questions answered in very clear detail.

And so, although my -- I'm not leaning toward condemnation as a way of acquisition, I think it's expensive, it's a crap shoot, we don't know what the cost to the County will be, I am always in favor of learning more about questions that I might have regarding any subject on which we

have to deliberate.

And if you look at Christine Costigan's outline, we -- it will come back to us before we go further with this process, so that we can vote it up or down at that point in time. So I'm going to support this, so that we can get more information.

D.P.O. CARACAPPA:

Okay. Going down the list, Legislator Binder.

LEG. BINDER:

The question of whether to have a hearing, it seems kind of a give-me. We could just go get more information, just let's go do that. The problem is that sometimes there are overriding questions wherein the other questions almost don't make a difference. And the overriding question here is are we taking someone's private property in an appropriate manner. In a general sense, what standards do we use for taking -- even having a discussion about taking someone's private property? Should someone be open to a hearing about taking their property when some minimal questions can't be met? And it would seem to me that one of the minimal questions we need to -- we should have on our minds is there a direct County purpose? An example would be is it attached to a County park? So, if right next door was a County park and we had worked over the years and then it's been sold, and we had a County park that was expanding, and then someone was taking a piece of land, then maybe we need to have a discussion about and hearings about whether this County land in taking that affects what we've been doing, the expenditure of public funds, and there's a specific direct County interest involved, but here there's not. And the danger in opening this hearing, it seems to me, is that we can do this around the County.

It was said here a number of times, even by Legislators, that we have a unique opportunity here. "I can't think of any other place where it's like this." Well, it's true, there's none like this, and I guess every piece of land is unique. The thing about real estate, if you take Real Estate Law, that's what -- the basis of Real Estate Law, it's unique, but we have unique land all over Suffolk County. It's a wonderful County that has all kinds of history, agriculture, concerns, environmental concerns, other concerns. And we can pick out other pieces of land where private people own it and we could start to condemn, I mean, if we started this process.

So, to start the process without a specific direct County interest, not having something right

there, as I say, a County park attached to it, I have a concern, because then you're putting at risk an owner. He has to now worry about his private property, and we're going to have hearings, we're going to start this process. And I don't think you even start the process without that minimal question of a direct County interest, because if you don't have it, that means every single, quote, unique private property all over Suffolk, all over Suffolk County, is now subject to this process of a taking, because we want it, because we can figure out how it serves a unique purpose, even if it's not attached to something that we've been working on, we, as a County, have an interest in.

We put every property owner at risk, and I think it runs antithetical to our basic constitutional values that we've, over 200 years, have promoted in caring for a Fifth Amendment, a takings clause. We have to be concerned about this. And so I don't want to start this process, because I don't want to start a precedent. In 14 years that I'm here, we haven't done this, and I think this would be a really bad place to start. Though there might be some real reasons why people feel comfortable or uncomfortable with the process as it's going, I think we have to rely on local governments. As we have relied on local governments around Suffolk County to protect land, the DEC to protect the environment, we have to rely on government institutions to do the best they can and not when we think something's happening, we jump and we say, "Well, we have the power, we're just taking it."

I don't think we should start the process here, it would be a bad precedent, and I hope that my colleagues vote against it.

D.P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

We live on an island. We have almost three million people that live in this Island. We're surrounded by water. Without a doubt, probably the greatest natural resource we have as Long Islanders is the water that we share, the bays, the sounds, the ocean. We have a responsibility to our citizens, as much a responsibility as when we condemn a piece of property to expand a road as to protect the most natural resource that we have.

And this property is adjacent to a County park, to Green Creek County Park, so there is a natural adaptation, because it's right next to it. I admit, condemnation is an unusual way of going about

acquiring additional parkland, but this circumstance is very different than anything else we've ever come across before. The aquifers that are located on this property that promote the growth of the shellfish industry are very, very rare, and if we lose the opportunity to protect them here, we'll be losing a tremendous natural resource, a natural resource that all Long Islanders depend on, and that's the surrounding waterways around our Island.

D.P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

Thank you. Condemnation is not entirely different from an acquisition. Condemnation is merely a method of acquisition, and it's a method that we've used time and again in this County. We used it last meeting to further the creation of a District Court, and I supported it, and we used it - - we were about to use it today. I think it has a technical flaw, but we'll certainly use it as a matter of course to further construction of a road, a road widening. So why not use it to further our history? Why not use it to further the environmental protection? Why not use it to further the efforts of marine sciences? All of those are initiatives that Suffolk County Government works on, and all of them would be enhanced by this acquisition.

You know, when it was a small business in Lindenhurst that was going to be acquired by eminent domain, no fuss. When it's a homeowner along William Floyd Parkway who's going to have some of there land taken, it's no problem. But when it's a well-heeled, highly connected developer, suddenly, everybody wants to dust off their copies of the Constitution and -- you know, and preach about, you know, government is going too far.

If eminent domain is appropriate to further the efforts of Suffolk County in the area of the environment, or of the judiciary, of history, of environmental protection, all of those areas, then it should stand on its own and we should evaluate whether it's worthwhile once we get all the facts, and this resolution would allow us to move forward and acquire all the facts.

D.P.O. CARACAPPA:

Thank you. Legislator Alden.

LEG. ALDEN:

Awhile ago I voted in favor of a resolution that would allow Suffolk County to take steps to try to

acquire this property, to try to come to some kind of an agreement with the owners of the property, so that we could buy it in a method where we had a willing seller and a willing purchaser. Make no mistake about it, though. As an attorney, I've practiced law, and part of the law that I practiced was eminent domain, where we would acquire property through the use of eminent domain.

And do not kid yourselves, as far as the cost. If you have a willing seller and a willing purchaser, you establish one value. When you don't have a willing partner on one end or the other and you exercise government action and government power to take that property away from someone, a court convenes and they determine what the value of that property is. And I can't think of one case that I've ever seen, and I've been in court quite a bit on those matters and trials, I cannot see -- I can't think of one instance where a Judge sided with the municipality or the governmental entity that was exercising its right of eminent domain. So, what does that do? That translates into a very, very high acquisition price, on top of the fact that we're going to go out and bond, so we would be borrowing money to buy a piece of property. So what you're going to have is an escalation in the price that you're going to pay on this, and that could be anywhere from a multiple of what the true property might be valued at on the open market to a huge amount, as far as a multiple of what that property might be valued at on the open market.

So, just before you vote on using your eminent domain power, which you do have to acquire property, you really have to take that into consideration, how much is the cost going to be, and is that the fair way to spend the taxpayers' money.

D.P.O. CARACAPPA:

Thank you. And for the final word on this, Legislator Fields.

LEG. FIELDS:

We've all heard about the historical and cultural significance of this property, and it's not just a piece of land, and it's not just a piece of slightly unique land. This is truly different than just about anything we have ever looked at. It has a salt water aquifer that is like no other, and we've had marine scientists tell us that. If you demolish this building, you cannot bring it back. There is absolutely no reason to demolish it. That's what we call smart growth, not dumb growth.

This serves a public purpose. They will perform research, education, aquaculture. There is a

consortium ready, willing and able to move forward. Dowling College, Brooklyn College, Southampton College, local high schools, marine scientists, Nature Conservancy, who has taken the underwater lands, would have a perfect marriage with this kind of setup that we envision with this consortium. And beyond that, we had a plan that was worked on for about eight years called the South Shore Estuary Reserve. The County Executive signed off on it, the Governor signed off on it, the Islip Supervisor signed off on it, and one of the recommendations absolutely states that Bluepoints should be a maritime center.

Today we saw three bottles of water that one of the constituents who lives there brought in. One had runoff that was really dirty, one had bay water that looked pretty dirty, and one had the salt water aquifer water that looked pristine and clean, and the kind of water we would all like to have surrounding us. That can't be duplicated.

We're not making waterfront property anymore. We're not -- we're prohibiting people from having access to waterfront property, and we can't replace that. Once it's taken with private condominiums, we're not going to have the ability to go over to that property to use it then for aquaculture, to use it for public access, to use it for research or education.

This resolution calls for asking whether or not this property is worthy of condemnation, and those facts would or would not come up. It would justify whether it should be condemned or it would not justify it. And it authorizes public hearings.

We heard a little bit about expenditure of resources, and if you just look down the list, there are a lot of resources or expenditures that we see here that sometimes seem frivolous. Taking something that can never, ever, ever be replaced is not frivolous at all by anyone's imagination. And we do -- we do eminent domain every day. We have them throughout all of our agendas. We do it for DPW to expand a road, we do it all the time. And if we can do it sometimes, I don't quite understand why we can't do it now.

And for Legislator Binder, if you had been here before, you, and all the other meetings, you would have heard that and seen the pictures, that this property is surrounded by County parkland, so there is a specific direct County purpose for this. And I would ask my colleagues to vote for approval of this bill.

D.P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

No.

LEG. BINDER:

No.

LEG. BISHOP:

Pass.

LEG. NOWICK:

Pass.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Abstain.

LEG. ALDEN:

Pass.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Pass.

LEG. O'LEARY:

(Not Present)

LEG. GULDI:

Pass. Why not? Seems to be the thing to do.

LEG. CARACCIOLO:

(Not Present).

LEG. BISHOP:

We'll start over.

LEG. GULDI:

Let's do it again, right?

D.P.O. CARACAPPA:

No.

P.O. POSTAL:

Yes.

LEG. COOPER:

Abstain.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Abstain.

LEG. CRECCA:

No.

LEG. ALDEN:

No.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

No.

LEG. GULDI:

Yes.

MR. BARTON:

Caracciolo. Mike? Legislator Caracciolo?

LEG. CARACCIOLO:

On -- what was the motion?

MR. BARTON:

To approve.

LEG. CARACCIOLO:

Abstain.

MR. BARTON:

Seven.

D.P.O. CARACAPPA:

It fails. Going back to Page 13, **1730 (Imposing an additional one percent sales and compensating use tax for the period beginning.**

December 1, 2003 and ending November 30, 2005, pursuant to authority of Section 1210 of Article 29 of the tax law of the State of New York).

LEG. TONNA:

Motion to approve.

D.P.O. CARACAPPA:

There's a motion by Legislator Tonna, second by myself. 1730, sales tax, Page 13.

LEG. FOLEY:

On the motion, Mr. Chairman.

LEG. TONNA:

Roll call.

LEG. FOLEY:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Foley.

LEG. FOLEY:

For the Budget Review Office. Over the last several years, well, every year that when you prepare the Operating -- analysis of the Operating Budget, one of the things that you've done very well is to illustrate, demonstrate, indicate the growing mandated expenses, unfunded mandates that the State and the feds continually put on our budgetary shoulders.

Mr. Chairman, can we have some order here, please? Thank you. Could you give us an indication of -- I know you're preparing now -- you're doing some things now for the upcoming '04 budget. What kind of increases in unfunded mandates have occurred the last several years and will continue to grow through next year, above and beyond what we currently shoulder?

MR. POLLERT:

The largest component of growth in the County's Operating Budget has been in the mandates.

The largest growth in the mandates, in turn, has been in Medicaid. We were of the belief that we had adequately forecast what the Medicaid expenditures were going to be this year. The Department of Social Services has estimated that, in fact, they will exceed the budget this year for Medicaid. Currently, my budget model is plugging in about a 12% growth in Medicaid. It is a substantial increase.

In addition to that, there are substantial increases in programmatic areas that are driven by the State of New York, which are not directly considered to be a mandated expense, such as the pension costs that we have incurred for employees. The bulk of the growth with respect to the Operating Budget next year relates to a growth in mandated expenditures.

LEG. FOLEY:

You gave us a percentage. Can you give us, in rough figures, dollars? Are we looking at a few million, are we looking at tens of millions of dollars?

MR. POLLERT:

You're looking at tens of millions of dollars. In total, if you look at the pension costs, if you look at the Medicaid costs on a net basis, it's in excess of 50 million dollars .

LEG. FOLEY:

Increase.

MR. POLLERT:

That is correct. If you --

LEG. FOLEY:

From this year.

MR. POLLERT:

If you completely fund it --

LEG. FOLEY:

Right.

MR. POLLERT:

-- that's correct.

LEG. FOLEY:

All right. So we're looking at -- and this isn't just a snapshot of one year, over the past number of years, as we all know, those of us who have done our homework, that there have been increases in Medicaid costs to this County of tens of millions dollars increase per annum.

MR. POLLERT:

Yes. The growth of Medicaid has eclipsed the growth in sales tax at this point in time. So the base growth in sales tax is not adequate to keep up the growth in Medicaid.

LEG. FOLEY:

So, if we don't -- if we don't approve this continuation of the current sales tax level, and we have -- not only that to the tune of 400 million dollars would have go on to the -- well, you tell me how much the figure would be to go on to the property tax. But, in addition to that, there's an additional 50 million dollars in expenses that we would be incurring next year that we'd have to find revenues for.

MR. POLLERT:

That would be included in the increase in the real property taxes. The problem is that your increase in real property taxes in that level of magnitude would probably increase the amount of property tax delinquencies as well, so that you're never going to get 100% of the revenues that you're going to be warranting.

LEG. FOLEY:

Now, if I just may through the Chair.

D.P.O. CARACAPPA:

Sure.

LEG. FOLEY:

We keep hearing about, you know, this 2.2 billion dollar budget, but I think what we need to do is to break that down, deconstruct it, fiscally speaking, as to how much do we raise now from the local revenue base, and how much does this 1% is part of that local revenue base?

MR. POLLERT:

In terms of real property taxes between the Police District and the General Fund, you're raising slightly in excess of 400 million dollars.

LEG. FOLEY:

Of the 400 million, about 58 million is the General Fund.

MR. POLLERT:

That is correct.

LEG. FOLEY:

Okay.

MR. POLLERT:

The remainder is the Police District.

LEG. FOLEY:

Right.

MR. POLLERT:

So, clearly, it would represent, you know, roughly 100% of what you're currently collecting through real property taxes for all taxing funds.

LEG. FOLEY:

Okay. Thank you. Thank you, Mr. Chairman.

D.P.O. CARACAPPA:

Thank you, Legislator Foley. Legislator Nowick.

LEG. NOWICK:

You know, raising taxes, adding taxes is never something that we want to do, but I'm trying to do the math. Fred, Budget Review, you're telling me that 100% of your property taxes will be increased, is that what I'm hearing you say on general County?

MR. POLLERT:

On a blended bases, General Fund and Police District, there would be about a 100% tax increase. If you just had General Fund taxes, there would be more than a 400% tax increase to be able to replace that level of revenue.

LEG. NOWICK:

To be able to replace it. And when I'm doing the math, and again, this is -- I'm understanding this not to be an additional tax, this tax has actually been in place.

LEG. FOLEY:

Continuation

LEG. NOWICK:

And, actually, probably most of us wouldn't have realized that it has to be renewed every year, it would just continue. So I'm thinking, if you were out buying and you spent one dollar, that would cost you one cent. If you spent ten dollars, that would cost us ten cents, correct, if I was a consumer.

MR. POLLERT:

Right.

LEG. NOWICK:

If I spent a hundred dollars, it would be one dollar.

MR. POLLERT:

That's correct.

LEG. NOWICK:

Yet, it would cost the County 400 million dollars in property tax --

LEG. BISHOP:

Four hundred percent.

LEG. NOWICK:

Four hundred percent.

MR. POLLERT:

Yes.

LEG. NOWICK:

I have to say here, I would rather pay ten cents on ten dollars and choose what I spend. Being a single income family, when that tax bill comes into my house and it is increased, it hurts, but I have to pay it. If we are talking about sales tax, which, by the way, is already in place, if we're talking about sales tax, I have an option of whether or not I want to go out and spend a hundred dollars and pay the additional one dollar on the hundred dollars. But when I get my tax bill and I see it go up, and, by the way, it goes up every year, that hurts. And, therefore, I do not think that we can afford in this County to take this amount of money and deduct it from what we have in the budget.

D.P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Just a quick point, and it's to Budget Review. Is all the sales tax revenue derived from Suffolk County residents?

MR. POLLERT:

A portion of the sales tax revenue clearly comes from the tourism industry. Clearly, a significant portion of it comes from industrial, commercial, and a portion of it also comes from sales made in Suffolk County that are shipped elsewhere throughout the State of New York.

LEG. LINDSAY:

Okay. Okay, Fred. How about real estate taxes?

MR. POLLERT:

Depending where the real property taxes are, mostly --

LEG. LINDSAY:

Suffolk County residents.

MR. POLLERT:

-- it comes from Suffolk County residents, with the exception of the five East End Towns, which have a larger nonresident tax base.

LEG. LINDSAY:

Thank you.

P.O. POSTAL:

I would like to --

D.P.O. CARACAPPA:

Sure, Presiding Officer Postal.

P.O. POSTAL:

I'm taking this mike at great personal risk. Elie has warned me not to speak, because, as you all know, I'm impaired to a degree where I can't remember what I said and I tend to repeat things over and over. But this is so important that I have to do this, because I spent a good part of this year working, so that the State Legislature would restore the sales tax for us. I called a lot of you to ask you to vote for it and you said you would prefer that the State imposed it, and we could just do whatever we had to do. And let me tell you, it was like pulling a rabbit out of a hat, it was very difficult to do that. But I think we all understand how important it is to us, and what a horrible situation we would have been in had we not had that sales tax restored to us.

Now, we're looking at renewing something that's always been part of our budget, always been part of our tax revenue. We're not imposing anything new, we do this every -- when this is due to expire, we always extend it again. I can't imagine a more irresponsible thing to do at this time than not to extend this.

I worked very hard to get us, with the County Executive and Peter Scully, who I'm sorry is no longer here, I wish he was, because he's a very talented, very competent guy, to get back the sales tax on exempt clothing, because I knew what a disaster it was going to be for this County.

Those of us who have been working on the Budget Work Group year after year after year have had the unfortunate experience of working at that late point in the year and finding the State springing a surprise on us. They suddenly tell us, "Guess what, we're not going to give you the aid for the Community College that we always have," and various other little surprises that they -

-

LEG. FOLEY:

Keep going.

P.O. POSTAL:

-- that they present us with, which has been very difficult. And it's to the credit of this Legislature that we worked together so well and we've done the right thing, and we've come out of this okay. Hasn't been easy. I'm looking at Angie. Angie's been on that work group year after year after year and struggled through this, so many of us have. Nobody knows what's going to happen next year. Nobody knows whether the State is suddenly going to do what it did to us a couple of years ago, where it said to us, "Guess what, we're not going to give you the aid for the Community College that we have always given you. Surprise. Figure out what you're going to do."

It would be foolish beyond belief not to extend the sales tax. It would be -- I would like to think maybe we would need it, but I'm not ready to take that chance, and I hope that you won't either. So I'm asking all of you to be a little prudent and think of this County as you do of your home and your family and not take a chance that could be very hurtful. I'm asking you to approve this. People are used to it. It's not going to be something new. Let's keep ourselves on a stable footing and approve this resolution.

LEG. TONNA:

Thank you, Maxine.

LEG. FOLEY:

Thank you, Maxine.

D.P.O. CARACAPPA:

David, then Angie.

LEG. BISHOP:

It's not easy to follow that.

D.P.O. CARACAPPA:

No.

LEG. BISHOP:

Legislators who are saying that they are -- they're going to let the other guy vote for this are, frankly, being cynical and cowardly. They would have a leg to stand on if they could offer an alternative source of revenue for 240 million dollars, or they could offer cuts amounting to 240 million dollars. But I would challenge them. I'll give them a down payment plan. If you could give me 10% down, give me 24 million dollars in cuts that you would support, then you would have some credibility. How about 1% down? How about 2.4 million dollars in cuts that you can identify? Well, of course not, because earlier in the day, many of these same Legislators voted to add money to the budget by borrowing money to pay for operating expenses, and then they would have the temerity to vote against this. It really is not a proud day for some Legislators.

D.P.O. CARACAPPA:

Angie .

LEG. CARPENTER:

I would like to begin by thanking the Presiding Officer, who I think we can all agree has always been a very dedicated, devoted public servant, but I think today she went above and beyond. And I think Legislator Tonna said it earlier, that, you know, we know she wasn't feeling well and she had to go for some tests, but she had to put all of that aside to come here today because of her commitment to what is important for this County.

And, no, it's never easy to vote for taxes, but, again, as has been said many times today, we are merely here, even though the title indicates something to the contrary, we are not adding 1%, we are merely voting to continue the level of taxation in our sales tax that we've had for the past number of years. And, again, to not do this would be irresponsible.

To expect to shift this burden to the property taxpayer, who is already unduly burdened -- and more often than not, the ones that really feel it are, as Legislator Nowick said, the single parent household, or the senior, who's on a fixed income.

And I want to share something anecdotally that happened. It was probably about six years ago, and we were in this same kind of situation where we were contemplating, at that point, raising the sales tax. And I had a gentlemen who was a senior citizen call my office and asked if he

could come in to talk to me. And he told the secretary he wanted to talk to me about taxes, and I thought, "Oh, gosh, he's really going to let me have it. Well, you know, bring him in." And he sat across from my desk and he was a very stern looking older gentleman, and he said to me, "Legislator Carpenter, I'm asking you one question. Are you going to vote to increase that sales tax a quarter of a cent?" And I, you know, sort of hemmed and hawed and I said, "Well, listen, you know, I just feel that it is the right thing to do." And he said, "Thank you." I almost fell off my chair. And he said, "I know exactly what I can spend at the supermarket, I know what I can spend if I need to get a shirt or underwear, or whatever I have to do, I know what I can afford to spend, but when that tax bill comes, I have no control over that, and I cannot afford to stay in the home that I have lived in for 55 years if my taxes go up one dollar."

So I think that maybe can illustrate to all of us who might be, or those of you who might be floundering, it is the responsible thing to do, and I think if we all do it, those who would like to find fault with us would have a much more difficult time doing so.

LEG. NOWICK:

Joe.

D.P.O. CARACAPPA:

I'll put you on the list. Legislator Vilorio-Fisher, and then Legislator Nowick, then I'd like to wrap this up.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair. This morning, we heard from Dr. Panna Shah, who comes from an eastern culture, and last weekend, I heard something about Buddhism. And one of the tenets of Buddhism is that you let go of self-cherishing, which means building your judgments all around yourself and your own needs. And I want to thank the Presiding Officer for being here this afternoon, because I think she has presented for us a metaphor for where all of us should be right now, and that's letting go of self-cherishing and being part of a team that's trying to get together to do the right thing for the people of Suffolk County, and I thank her for that model.

And there's more that she gave to us as a metaphor today. She began her remarks by saying, "I shouldn't be speaking, because I may be repeating myself," and she made herself vulnerable to whatever her illness may cause her to say or to repeat. And there are some people here who are reluctant to vote for this, because you're afraid of how the public may perceive you. Let that

go and do the right thing. I think that we've been served with a very good model by the Presiding Officer, who left herself behind to join the team to do the right thing, who allowed herself to be put in a position where she could be perceived negatively, which I don't think occurred, but she took the risk. Lets be part of the team and take a risk and do the right thing.

D.P.O. CARACAPPA:

Thank you. Legislator Nowick.

LEG. NOWICK:

I'm sorry, Fred, am I -- am I mistaken, or did you say the County portion of the tax bill would do up 100%?

MR. POLLERT:

Yes. If you lived in the West End and are part of both the General Fund and the Police District, your consolidated tax bill would increase by roughly 100%.

LEG. NOWICK:

Well, and along with what Legislator Carpenter is saying, I don't think that anybody could -- would know better than I would how this affects my constituents. Having spent six years in the tax office, I know what \$50 does to some of the senior citizens. I know what -- I have to tell you, \$50 would bother me. If the County portion was \$400 and it went up another \$400, I don't think anybody in December is going to be very happy to get their tax bill.

People are living right now paycheck to paycheck. This matters. They don't have to -- this senior citizen doesn't have to go out to a shopping mall and spend \$400 for clothing that they may or may not need, that is their option. But on December 16th, when you receive your tax bill, we have no choice but to pay the tax bill. And believe me, I have watched these people, and \$50, \$100 means the world to them.

D.P.O. CARACAPPA:

Thank you. Thirty seconds of my comments before we go to a vote. Everything's been said, not once, not twice, but ten times. Legislators who are still on the fence with this just need to ask themselves, if every single one of my constituents were in front of me right now and I laid out both options to them, sales tax, keeping it the same, or going the way of property tax without any sort of budget cuts, which are at that level impossible. Ask yourself that question and ask

yourself what they would say. If you don't know what the answer is already, you really don't belong to be sitting here right now. So with that being said --

LEG. TONNA:

Joe, just one -- add one last thing.

D.P.O. CARACAPPA:

Go ahead.

LEG. TONNA:

I think, and again, Legislator Fisher, Legislator Foley, Legislator Lindsay, Legislator Carpenter, Legislator Nowick, Legislator Bishop, myself, Legislator Cooper and Legislator Caracappa, and Presiding Officer Postal, we should be asking how long are we going to enable our colleagues to get a free ride? How long are we going to be able to stand there, and when they're not willing to fund the fundamentals of government, and, yet, within lickety-split, they'll be willing to spend the money. So thank you.

LEG. CARACCILO:

Point of personal privilege.

D.P.O. CARACAPPA:

Go ahead, Mike Caracciolo.

LEG. CARACCILO:

Mr. Pollert, I heard you respond to an inquiry by Legislator Nowick with regard to General Fund taxes in the five western towns. Could you promptly calculate for me what the General Fund property tax increase would be in the Towns of Riverhead, Southold and Shelter Island if this 220 million dollars in County funding was sunset, as it will be, I believe -- is it December 1 or November 30th? Fred, is it.

November 30th?

MR. POLLERT:

It's December 1st, yes it's December.

LEG. CARACCILO:

December 1st. Okay. So, actually, we would be losing an additional month of 1% for this calendar year, which would be carried over into the next calendar year. Having said that, what would be the property tax -- what is the current property tax for an average homeowner in Riverhead? My recollection, it's around \$100 a year.

MR. POLLERT:

Frankly, I don't recall on a town by town basis, but it's roughly \$1.83 per million. So it would be increasing roughly \$360 in the General Fund.

LEG. CARACCILO:

So someone today who is paying, let's say, approximately \$100 in the Town of Riverhead total, total County property tax bill, 100 compared to a town tax bill, which I pay, of thirty-two hundred dollars a year, a school property tax bill that I pay of forty-five hundred dollars a year, special district taxes that add up to another fifteen hundred dollars a year, 1% of my total property tax bill goes to the County of Suffolk, 1%.

LEG. TONNA:

Yeah, but what would be the increase, how much percentage?

LEG. CARACCILO:

So, what you're saying, Fred, is the increase would go -- if you're saying 400%, it would go to \$500 a year.

MR. POLLERT:

That's correct.

LEG. CARACCILO:

That's not acceptable. I will support the extension.

D.P.O. CARACAPPA:

All right, Mike. Roll call. Go.

LEG. FOLEY:

Move the question.

LEG. TONNA:

Mike, I've got to take you off my list. Hold it a second.

(Roll Called by Mr. Barton, Clerk)

LEG. TONNA:

Yes.

D.P.O. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

No.

LEG. FIELDS:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCILO:

Yes.

P.O. POSTAL:

Yes.

(Applause)

MR. BARTON:

14.

LEG. TONNA:

What a difference a few hours make.

D.P.O. CARACAPPA:

All of that for just a pro forma resolution.

LEG. CRECCA:

Can I just put on the record that I voted for that, had nothing to do with Paul Tonna.

LEG. TONNA:

Well, it definitely has something to do with how I vote for some of your bills in the future, though.

D.P.O. CARACAPPA:

Okay, moving on. If you guys --

LEG. GULDI:

Trust me, neither did mine.

D.P.O. CARACAPPA:

If we concentrate, I can have you home to watch yourselves on the news, real quick.

LEG. CRECCA:

Mr. Chairman, I'd like to do -- make a motion to reconsider Resolution 1532.

D.P.O. CARACAPPA:

1532? It was --

LEG. CRECCA:

It's on Page 13.

D.P.O. CARACAPPA:

That was tabled. It's the jail project. There's a motion to reconsider --

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

-- 1532 by Legislator Crecca, second by Legislator Carpenter.

LEG. FOLEY:

On the motion. On the motion.

D.P.O. CARACAPPA:

On the motion.

LEG. BISHOP:

On the motion?

LEG. NOWICK:

Okay. No, not on the motion.

LEG. CRECCA:

No. We've debated it to death.

LEG. FOLEY:

Yeah, I'm not -- it is.

LEG. BISHOP:

No, we haven't debated. I withheld comments on it, because there was a tabling motion.

LEG. FOLEY:

It's tabled. They want to --

LEG. CRECCA:

David, for a guy who's always rushing to get out of here, you haven't been at a loss for words today.

LEG. BISHOP:

No, I haven't been at a loss for words. There's a lot of the issues that I care deeply about.

LEG. TONNA:

Can I get a copy of that voting slip?

LEG. FOLEY:

Well, it is tabled for two weeks, so on the motion, Mr. Chairman, on the reconsideration motion.

D.P.O. CARACAPPA:

This is -- we're on the motion to reconsider.

LEG. FOLEY:

Right.

D.P.O. CARACAPPA:

Would you like the vote to happen first, or would you like it --

LEG. FOLEY:

No. I want to ask the question, why is it being reconsidered?

D.P.O. CARACAPPA:

Because the sales tax passed.

LEG. FOLEY:

Well, I want to speak with the person who made the motion. On the motion to reconsider.

D.P.O. CARACAPPA:

You guys can go outside.

LEG. VILORIA-FISHER:

Take it outside.

LEG. FOLEY:

On the motion to reconsider.

LEG. GULDI:

My money's on Crecca.

D.P.O. CARACAPPA:

Legislator Foley, go ahead.

LEG. FOLEY:

Thank you. Legislator Crecca, why are you making the motion to reconsider; do you intend to try to pass it?

LEG. CRECCA:

Absolutely.

LEG. FOLEY:

All right. Well, then --

D.P.O. CARACAPPA:

To table it again.

LEG. FOLEY:

All right. Well, I just have that on the record. So may I reclaim my time, then?

D.P.O. CARACAPPA:

Absolutely.

LEG. FOLEY:

Thank you. I would hope that we don't make the motion to reconsider. We're meeting in two weeks time. There are issues that still have to be addressed. It's been discussed by a number of us that the fact of the matter is that we're putting the cart before the horse, that we're -- that there are those who want to support the planning monies for this project well before the Utilization Study has been finalized. There are number of outstanding issues that the Utilization Study has to address, among which that I had mentioned earlier, there's this -- there's a notion out there, there could be hundreds of beds available in Nassau County. With either have to know that for sure, that they do or they don't. I would hope that we would -- the colleagues would oppose the reconsideration. Let the Utilization Study be finalized, then we can debate, discuss, debate the Utilization Study, and then, at that point, make a decision on whether we want to approve planning monies. But to approve planning monies now before the study is complete, it has everything backwards.

D.P.O. CARACAPPA:

Duly noted. Legislator Bishop.

LEG. BISHOP:

Yes. I feel that I have to make remarks that I wasn't go to make when it was tabled.

LEG. CARPENTER:

Don't read the speech again.

LEG. BISHOP:

No, I won't read the whole speech again. I'm just going to hit some highlights for you.

I'd like to begin by asking --

LEG. BINDER:

Highlights.

LEG. CRECCA:

Just highlights?

LEG. BISHOP:

You're not the one who was supposed to be having the repetition problem.

LEG. BISHOP:

I want to ask Mr. Pollert, is it not true that part of the plan that the Sheriff has presented is that the County would make revenue by becoming an importer of prisoners?

MR. POLLERT:

That was, I believe, included in some discussions with the Sheriff's Department, but it was not included in their request, in their capital request, they didn't show any revenues. However, they had discussed the possibility of accepting some federal prisoners.

LEG. BISHOP:

Right. Okay. So the discussion in the Sheriff's Office has been that, "Hey, this is a good thing, because we can accept some federal prisoners." Maybe they'll back off it now on the eve of the vote, but you know as well as I do that when the money is tight later on, they're going to say, Hey, we've got extra space, let's bring them in."

Let's just go through this again. We would be approving this facility and going forward with the design before the study on the needs is complete. The facility, as designed preliminarily, causes a 60 million dollar hit to the Operating Budget. It will cause less investment ultimately in the County's Capital Program, because these dollars are zero aided. It's 100% County money, you can't leverage anymore.

This is a poor policy road to go down. I've said it every meeting that we bring it up. And I urge you at the very least to wait for the facts for three weeks. Perhaps Legislator Foley will have more information. Perhaps the Needs Assessment, which I assume is close to being done, will be completed, but there's no need to rush into this today, and I urge my colleagues to continue to table this.

D.P.O. CARACAPPA:

There's a motion to reconsider. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CRECCA:

Yes.

LEG. CARPENTER:

(Not Present)

LEG. CRECCA:

Legislator Carpenter.

D.P.O. CARACAPPA:

Roll call.

MS. BURKHARDT:

Roll call.

LEG. COOPER:

Pass.

LEG. TONNA:

Yeah. To pass?

MR. BARTON:

To reconsider.

LEG. CRECCA:

To reconsider.

LEG. TONNA:

Yeah, sure.

LEG. BINDER:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

To reconsider, yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

No.

LEG. VILORIA-FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

LEG. COOPER:

No.

LEG. CARPENTER:

Yes.

MR. BARTON:

11.

D.P.O. CARACAPPA:

1532 is now before us once again.

LEG. CARPENTER:

Motion.

D.P.O. CARACAPPA:

There's a motion to approve by Legislator Carpenter, second by Legislator Crecca. Roll call.

LEG. FOLEY:

Motion to table.

LEG. NOWICK:

No.

LEG. CARPENTER:

Come on.

LEG. GULDI:

Point of order.

LEG. NOWICK:

We're wasting our time.

D.P.O. CARACAPPA:

Is there a second?

LEG. BINDER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Binder. All in favor?

LEG. TONNA:

Roll call.

D.P.O. CARACAPPA:

In favor, Legislator Foley, Legislator Bishop, and Legislator Binder, and Legislator Cooper.

LEG. VILORIA-FISHER:

I'm in favor, also.

LEG. BINDER:

We're roll calling. You've got to roll call it.

D.P.O. CARACAPPA:

Roll call.

MR. BARTON:

All right. On the motion to table.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

No.

LEG. BISHOP:

Pass -- yes.

LEG. NOWICK:

No.

LEG. CRECCA:

No.

LEG. CARPENTER:

No.

LEG. ALDEN:

No.

LEG. FIELDS:

Pass.

LEG. LINDSAY:

No.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

No.

LEG. GULDI:

No.

LEG. CARACCILOLO:

Negative.

D.P.O. CARACAPPA:

No.

P.O. POSTAL:

No.

LEG. FIELDS:

No.

MR. BARTON:

Five on the tabling.

D.P.O. CARACAPPA:

Motion to approve.

LEG. CARPENTER:

Motion to approve.

D.P.O. CARACAPPA:

And a second.

MR. BARTON:

I've got that.

D.P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

No.

LEG. VILORIA-FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCILOLO:

Pass.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

LEG. COOPER:

No.

LEG. CARACCILOLO:

Yes.

D.P.O. CARACAPPA:

Motion to table to --

LEG. CRECCA:

Second.

LEG. CARPENTER:

Second. Next meeting.

LEG. GULDI:

The meeting after that.

D.P.O. CARACAPPA:

To the meeting after the September 21st meeting.

LEG. CRECCA:

No.

D.P.O. CARACAPPA:

September 16th meeting.

LEG. GULDI:

Second.

D.P.O. CARACAPPA:

No, that already failed. September 16th already failed.

LEG. CRECCA:

You can make a motion -- Mr. Chairman, with all due respect, I believe you can make a motion to table it to a certain time on September 16th. That motion has not been made.

LEG. FOLEY:

No, no.

D.P.O. CARACAPPA:

No.

LEG. FOLEY:

No.

D.P.O. CARACAPPA:

Legislator Binder.

LEG. GULDI:

Motion to table for two meetings.

D.P.O. CARACAPPA:

That's the motion I was making. Motion to table to November -- two meetings from.

MR. BARTON:

Two meetings.

LEG. CARACCIOLO:

November 6th.

D.P.O. CARACAPPA:

To the first -- to the first meeting of the Legislature, regardless of it being special, budget, or otherwise, after the next general session.

LEG. BISHOP:

Okay. All in favor?

LEG. TONNA:

All favor? Opposed?

D.P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

LEG. CRECCA:

Opposed.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

It's tabled. All right. Now, focus.

HUMAN SERVICES

Human Services: **1209 - Authorizing inventory of county facilities for homeless housing uses.**

LEG. TONNA:

Motion.

LEG. VILORIA-FISHER:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Postal, second by Legislator Tonna. All in favor? Opposed? Abstentions?

MR. BARTON:

It was to approve.

D.P.O. CARACAPPA:

This is to approve.

MR. BARTON:

17.

D.P.O. CARACAPPA:

Include me as a cosponsor, Mr. Clerk. **Procedural Motion Number 6 - Procedural Motion for LIPA oversight for 2003.**

LEG. CARACCILO:

Motion.

LEG. BINDER:

Second.

LEG. LINDSAY:

On the question.

LEG. FOLEY:

Cameron.

LEG. ALDEN:

Motion.

D.P.O. CARACAPPA:

There's a motion by Legislator Alden.

LEG. GULDI:

Second.

D.P.O. CARACAPPA:

Second by Legislator Caracciolo.

LEG. LINDSAY:

On the question.

D.P.O. CARACAPPA:

On the motion, Legislator Lindsay.

LEG. LINDSAY:

Maybe I could direct this to the sponsor. Cameron, maybe you could -- if you don't know the answers. I see in the resolution that there was provisions made to prevent at least what appeared to be a perception of a conflict of interest with CAP in the past. CAP, at times it was hard to tell whether they were speaking for the County or for other groups, and it seems to be

pretty well defined in your resolution; is that correct?

LEG. ALDEN:

That's correct.

LEG. LINDSAY:

Okay. The second concern I have about this is last year, we voted and hired someone that works for BRO, Mr. Schraeder, is it?

MR. POLLERT:

Schroeder.

LEG. LINDSAY:

Schroeder, to do a lot of the same work that CAP did for us in the past. So, are we going onto duplicate the same services now? What is the burning need to rehire CAP, being that we have this other fellow on staff for BRO?

LEG. ALDEN:

CAP does a lot of things that we're not going -- we're actually not doing right now. We have a person on BRO's staff that actually crunches numbers, they work for us. CAP is an independent organization that can be very critical of any processes that they feel are not correct. They can look at alternative energy supplies, they can look at alternative fuel supplies, they can look at the energy policy. They can go through policy decisions and those type of analysis, and they can look at any and all issues concerning LIPA, transmission, generation, whereas, in our Budget Review Office, we're just strictly looking at numbers.

LEG. LINDSAY:

To Fred, what does your office do in these regards?

MR. POLLERT:

Basically, the Budget Review Office staff does what CAP used to do. My understanding is, with respect to the retention of CAP, was that there was a desire on the part of Legislators to have an organization that would do more outreach to the media. We're captive to the Legislature. We do support to the Legislators, we do review of LIPA, we report to the Legislature, but we don't deal with the press, we don't deal with the media. And my understanding was that several

Legislators wanted to have a group or an individual that could respond to the Chairman of LIPA in a more timely fashion, as opposed to having it wind its way through the Legislature. The Budget Review Office does not deal with the media, we're captive to the Legislature.

LEG. LINDSAY:

So, in other words, CAP will be speaking on behalf of CAP, but we're funding it.

MR. POLLERT:

That is my understanding, but I would defer to the sponsor with that respect.

LEG. LINDSAY:

And I thought that's what we were trying to prevent the last time around.

D.P.O. CARACAPPA:

Yeah. If you'd allow, I might be able to clear it up, based on an article in New York Times, dated June 29th of this year. Though, let me say, I think CAP does great work, I think for the County to fund them at this point in time would be wrong. Mr. Raacke was quoted, and I do quote, said he "no longer would actively seek backing from either County, and would agree to a funding source that came with no strings attached." Now, this is from a County that agreed to bring him on as a consultant of the Legislature. That was the agreement we had when we did the dual funding between Budget Review and CAP. That has been in my -- in my view, hasn't been lived up to by CAP. That's why I am not supporting this resolution.

Secondarily, it's noted on the resolution that I'm a cosponsor, which, just for the record, Mr. Clerk, please remove me. It's Jon Cooper instead of Joe Caracappa. If the County is going to fund CAP to be our voice, as we thought it was, on matters with LIPA, it's kind of disingenuous for the leader of that organization, be it CAP, to say, "I'm doing it with no strings attached" to the people who are funding him.

LEG. ALDEN:

I'll ask to go on the list.

D.P.O. CARACAPPA:

This isn't a personal shot at you, Cameron. I think you're doing things for the right reasons, but

I just cannot -- I cannot support, based on his own testimony, his own statement in the paper.

LEG. ALDEN:

I'm just asking to be put on the list.

D.P.O. CARACAPPA:

Oh, absolutely.

LEG. ALDEN:

That's all.

D.P.O. CARACAPPA:

But I know that tone, and I could see the gleam in your eye.

LEG. VILORIA-FISHER:

He knew what you were going to say.

D.P.O. CARACAPPA:

No, I'm kidding. You're on the list and you go. It's your turn.

LEG. ALDEN:

I think it's become abundantly clear that there's no governmental oversight for any of the power of -- or transmission of power, the generation of power on Long Island. That creates a big problem, I think, for the constituency of Long Island.

Now, a Citizens Advisory Panel, and that's what CAP is, what they do is they follow every move that, in this case, it's not a utility and it's not a government entity, it's something in between that doesn't answer to the Public Service Commission. It doesn't answer to the people, because the folks that are running LIPA have been appointed, they haven't been elected by the people, they haven't been appointed by us, so they're not really answerable to local government.

I think that what my envisionment of this -- of the relationship between Suffolk County and to refund CAP again would be they could advise us, and if we so desire, they can be our spokesman, but they're not going to go out there on a limb and just commit us to anything or be a -- you know, without our authorization a spokesperson for us. But what they can do is they

could look at all the practices that we don't have time to do. They are infinitely familiar with what is going on with CAP, with generation, with the amount of power that is needed by Long Island with the lack of an energy policy on Long Island, with the type of fuel that's being burned or being considered to be burned, so that there's a whole number of different things.

The person in our Budget Review Office, with all due respect, I don't think can answer a lot of those questions either, what the energy policy might be, or even to the effect of how -- the question that can be answered is, as far as what rates are, how many gallons of diesel fuel is being burned, those type of questions, and that's what I think we envisioned, somebody to do a little bit more than just crunch numbers for us. We didn't fill in all the little gaps that had existed before CAP was actually defunded by Suffolk County.

So there's got to be somebody out there that's doing a job of us. It's our job, really, to be a watchdog, but in the absence of us actually going to all the meetings and us, as Legislators, doing the day to day analysis of what's going on in the energy field and on Long Island, I think that you absolutely need a citizens' watchdog, a panel that's independent from LIPA watching what they're doing and advising us. Thank you.

D.P.O. CARACAPPA:

Thank you. Legislator Vilorio-Fisher.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair. Cameron, I couldn't agree with you more. After the black out, when we received -- I know I received in my office a notice from the Public Service Commission saying that the regulations that were limiting the peak -- peaking units to 80 megawatts, that restriction had been lifted, so that those peaking units could produce more than 80 megawatts of power.

The first person I thought of to call -- well, actually I called Richie Kessel, couldn't reach him, but the second person I thought to call was Gordian Raacke. He knew about it. He knew what the limitations were going to be, he knew to keep an eye on it. And you're right, it's just so important to have someone out there who we know has been a watchdog, has the background, and is the person who's always in the loop. I agree with you, and I think this is a very good piece of legislation. Thank you.

D.P.O. CARACAPPA:

Roll call.

LEG. LINDSAY:

Another question. Just one quick question of Budget Review. The cost of this service to us last year, as opposed to what it will cost us if we pass this resolution?

MR. POLLERT:

Actually, the resolution was drafted awhile ago. The cost is \$75,000 for the remainder of the year. I would imagine on an annualized basis that the cost to retain CAP would probably be in in the neighborhood of 125,000 to 150,000. I'm not sure.

LEG. ALDEN:

But just in partial answer to Legislator Lindsay, if this is what you were asking, too, this resolution would authorize up to \$75,000, so it's going to be a portion of the \$75,000.

LEG. LINDSAY:

So we'll have a contract with him, he'll advise us as per need basis?

LEG. ALDEN:

They will be available to us if -- right.

LEG. LINDSAY:

Is that the way you understand it, Fred?

MR. POLLERT:

The contract with CAP in previous years was dictated by an agreement between the County and CAP. They billed us on an hourly basis.

LEG. LINDSAY:

Okay.

MR. POLLERT:

Which we were responsible for the processing of the payments. I'm not sure, because this

\$75,000 only deals with Fiscal Year 2003. I don't know what their budget request will be of 2004 for a full year's funding.

LEG. ALDEN:

This only approves it until the end of 2003.

MR. POLLERT:

Right.

LEG. LINDSAY:

But who determines that, you know, we call up Gordian, that we need him to do a study of "X" report, who makes that determination?

MR. POLLERT:

What the previous contract called for, the Chairman of the Energy Committee, as well as the Presiding Officer, to sign off on those things.

D.P.O. CARACAPPA:

Roll call.

LEG. TONNA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. ALDEN:

Yes.

LEG. CARACCILO:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

No.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Pass.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. GULDI:

Yes.

D.P.O. CARACAPPA:

No.

P.O. POSTAL:

Yes.

LEG. NOWICK:

Yes.

MR. BARTON:

15-2.

D.P.O. CARACAPPA:

Procedural Motion 6 is approved.

HEALTH, EDUCATION & YOUTH

Health, Education and Youth: **1691 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the purchase of equipment for Med-Legal Investigation and Forensic Sciences (CP 1132).**

LEG. FOLEY:

Motion.

LEG. TONNA:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Foley.

LEG. TONNA:

Second.

D.P.O. CARACAPPA:

Second by Legislator Tonna. On the motion. Fred, is this a three-quarter vote.

MR. SPERO:

14.

D.P.O. CARACAPPA:

Yes, it's a 14-voter. Roll call.

MR. BARTON:

On the bond.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Pass.

LEG. ALDEN:

No.

LEG. FIELDS:

No.

LEG. LINDSAY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCILOLO:

Yes.

D.P.O. CARACAPPA:

No.

LEG. GULDI:

Motion to table.

LEG. CRECCA:

Second.

D.P.O. CARACAPPA:

Table by Legislator Guldi, second by Legislator Crecca. All in favor? Opposed? Abstentions?

It's tabled.

MR. BARTON:

17.

D.P.O. CARACAPPA:

1695 - Appropriating funds in connection with the addition to Tri-Community Health Center, Amityville (Co. Exec.)

LEG. FOLEY:

Motion to approve.

LEG. VILORIA-FISHER:

Second.

D.P.O. CARACAPPA:

This is a 12-voter.

LEG. FOLEY:

This is 12 votes. This is an appropriation, not an amendment.

D.P.O. CARACAPPA:

Right.

LEG. TONNA:

I'm sure Maxine wants to make a motion.

D.P.O. CARACAPPA:

Motion by Presiding Officer Postal.

LEG. FOLEY:

And I'll second it.

D.P.O. CARACAPPA:

Second by Legislator Foley.

P.O. POSTAL:

I'm sorry. I was involved in something else and I didn't hear that we were on this.

I don't think there's another health center in this County, other than the one that serves the Shirley/Mastic area, that serves a population living in greater poverty than the Tri-Community Health Center. Also, because we're in the west end of the County, which was settled such a long time ago, we have a great population of senior citizens. And as we all know, senior citizens have greater health care needs and less money to provide those needs.

Tri-Community does an excellent job. It does it with the creativity and the dedication to do it as economically as possible. This is important. It will enable Tri-Community to serve a population in great need of health care. So I'm asking for you to support this resolution. Every time we've expanded Tri-Community, it's bursting at the seams within two years. Brian knows that.

LEG. FOLEY:

Yep.

P.O. POSTAL:

So this is money that is never wasted. The health of a child is priceless. I really ask for your support for this resolution.

LEG. CRECCA:

Mr. Chairman.

D.P.O. CARACAPPA:

This is a simple two-thirds vote. Legislator Crecca.

LEG. CRECCA:

I'm going to support the bill, but in the future, the only thing I would ask is that this -- I would assume we're doing this in the Capital Budget, we're bonding this over five years, and I think in the future, we should really look to, you know, offset in the Operating Budget for something like this for a health clinic and funding it.

D.P.O. CARACAPPA:

Right.

LEG. CRECCA:

But I will support it because of the importance of it.

P.O. POSTAL:

Thank you.

LEG. CRECCA:

But I do -- I just want to state for the record, I really think in the future we've got to find an offset in the Operating Budget, which I think we would have done on this one.

D.P.O. CARACAPPA:

Well, I said it in Public Works during lunch, that we really need to start focusing on the budget process, and during that budget process, restoring pay-as-you-go money. This is a classic example.

LEG. FOLEY:

Mr. Chairman, if I may. Thank you. I thank the support of Legislator Crecca. This is not a pay-as-you-go project. This is -- no, it couldn't, because this is an expansion. This is an expansion of the facility by thirty-five hundred square feet, and it's also -- it's a capital improvement, modernize the exam rooms. So this doesn't at all fall under the 5-25-5. But notwithstanding that, we do -- I thank you for your support.

LEG. ALDEN:

Bay Shore stays closed.

LEG. FOLEY:

Well, Bay Shore's moving on, though.

D.P.O. CARACAPPA:

All in favor?

MR. POLLERT:

We're going to be addressing that in the Fall.

D.P.O. CARACAPPA:

Car consider all in favor? Opposed?

MR. BARTON:

Bond.

D.P.O. CARACAPPA:

Oh, it's a bond. Roll call.

MR. BARTON:

On the bond.

(Roll Called by Mr. Barton, Clerk)

P.O. POSTAL:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

17 on the bond.

D.P.O. CARACAPPA:

Same motion, same second, same vote on the companion bill.

VETERANS & SENIORS

Veterans and Seniors: **1724 - Transferring and appropriating living wage contingency funds to the Federation of Organizations for the NYS Mentally Disabled, Inc., Respite Care Program.**

P.O. POSTAL:

Motion.

D.P.O. CARACAPPA:

Motion by Presiding Officer Postal. Second by --

LEG. LINDSAY:

Second.

D.P.O. CARACAPPA:

-- Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

17.

D.P.O. CARACAPPA:

It's approved.

PARKS, SPORTS & CULTURAL AFFAIRS

Parks, Sports and Cultural Affairs: **1611 - Reappointing a member of the Suffolk County Board of Trustees of Parks, (Recreation, and Conservation) (Alexander Glenn McKay).**

LEG. COOPER:

Motion.

LEG. FIELDS:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Cooper, second by Legislator Fields. All in favor? Opposed? Abstentions?
It's approved.

MR. BARTON:

17.

D.P.O. CARACAPPA:

We are now going to the Public Works insert.

MS. BURKHARDT:

It's that separate piece of paper.

D.P.O. CARACAPPA:

Separate piece of paper. Public Works we had at lunchtime.

LEG. FOLEY:

1692, motion to approve, Mr. Chairman.

D.P.O. CARACAPPA:

1692 is a bond resolution, appropriating funds in connection with the improvements to the Schraeder House.

LEG. GULDI:

Second.

D.P.O. CARACAPPA:

There's a motion by Legislator Foley, second by Legislator Foley -- Guldi, rather. Sorry.

LEG. FOLEY:

Don't get us confused.

LEG. VILORIA-FISHER:

Ever.

LEG. FOLEY:

And I know George wanted to say that.

D.P.O. CARACAPPA:

I apologize, George. I owe you dinner for that one. All in favor -- roll call.

MR. BARTON:

On the bond.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. GULDI:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

17 on the bond.

D.P.O. CARACAPPA:

Same motion, same second, same vote on the companion bill. **1693, bonding resolution, amending the Capital Budget and Program and appropriating funds in connection --**

LEG. CARACCIOLO:

Motion.

D.P.O. CARACAPPA:

-- with the engineering for safety improvements at various intersections.

LEG. CARPENTER:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Caracciolo, second by Legislator Carpenter. This is a three-quarter vote.
Roll call.

MR. BARTON:

On the bond.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Pass.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Pass.

LEG. FIELDS:

Pass.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Pass.

LEG. O'LEARY:

Yes.

LEG. GULDI:

Yes.

D.P.O. CARACAPPA:

No.

P.O. POSTAL:

Yes.

LEG. BISHOP:

No.

LEG. ALDEN:

No.

LEG. FIELDS:

No.

LEG. FOLEY:

Motion to table.

LEG. GULDI:

Second.

D.P.O. CARACAPPA:

Motion to table by Legislator Foley, second by Legislator Guldi. All in favor? Opposed?
Abstentions? 1693 is tabled.

MR. BARTON:

17.

D.P.O. CARACAPPA:

1694 - Appropriating funds in connection with the construction of a Fire Vehicle Storage Facility.

LEG. GULDI:

Motion.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Guldi, second by Legislator Carpenter. This is a 12-voter. Roll call.

MR. BARTON:

On the bond.

(Roll Called by Mr. Barton, Clerk)

LEG. GULDI:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yeah.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARACAPPA:

Yep.

P.O. POSTAL:

Yes.

MR. BARTON:

17 on the bond.

D.P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

1696 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the reconstruction of Culverts.

LEG. FOLEY:

Motion.

LEG. GULDI:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Foley, seconded by Legislator Guldi. This is a three-quarter vote. Roll call.

LEG. BISHOP:

Motion to table.

D.P.O. CARACAPPA:

Motion to table by Legislator Bishop.

LEG. FIELDS:

Second.

D.P.O. CARACAPPA:

Second by Legislator Fields. All in favor? Opposed?

LEG. FOLEY:

Opposed.

D.P.O. CARACAPPA:

Legislator Foley is opposed.

MR. BARTON:

16.

D.P.O. CARACAPPA:

It's tabled. That's 1696. **1698 - Appropriating funds in connection with improvement to CR 80, Montauk Highway, from NYS Route 112 and CR 101, Sills Road, Town of Brookhaven.** This is a 12-voter.

LEG. FOLEY:

I'd like to make a motion, Mr. Chairman.

D.P.O. CARACAPPA:

Motion by Legislator Foley, second by Legislator O'Leary. Roll call.

MR. BARTON:

On the bond.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yeah.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARACAPPA:

Yep.

P.O. POSTAL:

Yes.

MR. BARTON:

17 on the bond.

LEG. FOLEY:

Thank you.

D.P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

1699 - Amending the 2003 Capital Budget (and Program) --

LEG. LINDSAY:

Motion.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

And this appropriating funds in connection with the rehabilitation of various bridges (and embankment). This is a three-quarter vote. Motion by Legislator --

LEG. BISHOP:

Motion to table.

LEG. VILORIA-FISHER:

Second.

D.P.O. CARACAPPA:

There's a motion to table by Legislator Bishop.

LEG. BISHOP:

On the motion to table, though. Can I --

D.P.O. CARACAPPA:

If there's a second. I'll second it. On the motion to table.

LEG. BISHOP:

Obviously, it's going to be tabled, as the other ones that require three-quarters. But I would ask the Budget Review Office to prepare a memo for our next General Meeting that would outline the expenditures that we're being asked to do on these three-quarter votes. In other words, how much are we going -- what's the total, and what would be the fiscal impact? I think it's probably quite significant, if you look at all of these.

The other question I have that I want to raise to all of you is we have over 200 million dollars in authorized debt that has never been issued. In other words, we have taken these votes on other projects to the tune of 200 million dollars and DPW has never moved forward with it. So why do we have all of these coming at us when they have this backlog that is like three years

long? So I'm confused as to why that's occurring. And I don't know if that's answerable, because I don't know if it's rational, but perhaps Budget Review could address that as well.

D.P.O. CARACAPPA:

Well, as your well aware of, Legislator Bishop, in last year's Capital Budget cycle, we identified this problem, and we've done everything we can, basically, Legislatively. And the Department of Public Works has also -- I have to give them credit. They've really cleaned up their systems, and now you get a quarterly report of their priority and their rankings on capital projects. And they've actually been moving them more expeditiously than in years past, and that's -- you can see that's the case on their progress reports. So I do give them credit. I agree, it's not enough. We're passing capital projects at a furious pace, and, quite honestly, I personally don't think we can keep up with them, so I do agree with you with relation to that. Anything further?

LEG. CRECCA:

Yeah, on this --

D.P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

Yeah, on 1699, though. While I can't disagree with Legislator Caracappa and Bishop's position in general, this one here involves maintenance and improvements to certain bridges. My concern is, especially from the testimony we heard from Public Works earlier today, is that, really, we're talking about what I think will become, if it's not already, a safety concern on the maintenance of some of these bridges, and I would urge my colleagues to oppose the tabling motion and pass this one.

LEG. LINDSAY:

Yeah, I got a --

D.P.O. CARACAPPA:

Legislator Lindsay.

LEG. CARPENTER:

You could say the same for 1705.

LEG. BISHOP:

You could say the same for any of them.

LEG. LINDSAY:

Yeah, but I think this one is different. This shouldn't have been classified as operating money to start off with. It's a capital improvement. They're taking the bridge right down to bare steel, because the plating underneath it is rusting away. They have to take up all the concrete. It's absolutely a capital project and it should be bonded. You're talking about, you know, the safety of our roadways.

D.P.O. CARACAPPA:

I think all the projects are important.

LEG. BISHOP:

Does that mean it's going to happen? See, the other point I was making is that we approve all these things and they don't happen for five years, so, I mean --

LEG. LINDSAY:

If you don't approve them, they'll never happen.

LEG. BISHOP:

Well, that's not true.

LEG. FOLEY:

Mr. Chairman.

D.P.O. CARACAPPA:

Legislator Bishop's right, we could approve this today and it may not happen for five years.

LEG. VILORIA-FISHER:

Right.

D.P.O. CARACAPPA:

Public Works has given us doom and gloom situations on other projects and other capital project

throughout the County that still sit dormant, in worse conditions than they were when they were originally brought to our attention. So you really can't put a solid time frame on when this project's going to get done. So, in that regard, there's really no way of saying that, if we pass this today, it's going to get done, even within this fiscal calendar.

LEG. FOLEY:

Mr. Chairman, if I may.

D.P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Yeah. It's my understanding they would undertake this project within a year's time. And what makes this different than other projects is this has to do with a major bridge on County Road 19 in Holbrook. And the problem that particularly Legislator Lindsay and I are laboring under is the Department wrongfully classified this project when they submitted a resolution. Usually, when it comes to maintenance of bridges, that has to do with painting of the bridge, some work in that kind of fashion, and that's 5-25-5 threshold, but this isn't simply a repainting, this is almost a wholesale reconstruction that's going to take place. That being the case, we'd like to see it move forward. The Department had erroneously stated that it's 5-25-5 when, in fact, it really is a reconstruction project. That combined with the fact that it's a bridge, I hope that, at least this time, people could see the importance of this and move forward with approving the resolution tonight.

LEG. BISHOP:

I'd be willing to do that, if Budget Review can -- is that true, is it -- I mean, is it --

LEG. FOLEY:

You doubt my word.

LEG. BISHOP:

-- possibly misidentified? Is there a scintilla of chance?

MR. SPERO:

The principle is that we don't bond for recurring projects. This particular project is an umbrella

project under which a number of improvements are made at various locations throughout the County. So, in that regard, it comes back year after year after year in some form for amounts of money that are needed, the principle being those kinds of expenses that recur every year should be paid for out of the Operating Fund. That doesn't mean it shouldn't be bonded, the --

LEG. BISHOP:

Well, is there a reconstruction aspect within it, in other words?

LEG. FOLEY:

Sure. Read the backup.

MR. SPERO:

Yes. It's a bondable project. All these projects are bondable, but --

LEG. BISHOP:

Well, anything's bondable, we've learned that.

MR. SPERO:

-- the policy is we choose not to bond for every item that the law says you can bond for.

LEG. BISHOP:

All right. I'll --

LEG. CRECCA:

The project includes --

LEG. FOLEY:

If this was simply a repainting job, I'd agree with you 110%, as we do with some other bridges.

D.P.O. CARACAPPA:

Are you finished?

LEG. TONNA:

Oh, shut up, Dave.

LEG. BISHOP:

Yes, I'm finished.

D.P.O. CARACAPPA:

Presiding Officer Postal.

P.O. POSTAL:

Thank you.

LEG. TONNA:

Just be quiet, Bishop.

P.O. POSTAL:

You know, we've had this recurring problem with DPW, and I think it's time to take a different approach, rather than just beating DPW up in the hopes that they'll learn that we don't like when -- that they do these things to us. I think that the smart thing to do here would be, if we decide to go ahead with this and approve this, for someone who's considered to be a friend to DPW to communicate with Charlie Bartha and let him know that we have had great -- somebody else. No offense, Joe.

D.P.O. CARACAPPA:

None taken.

P.O. POSTAL:

Maybe somebody --

D.P.O. CARACAPPA:

I wish them luck.

P.O. POSTAL:

Well, you know, maybe somebody who's nonthreatening to Charlie.

LEG. VILORIA-FISHER:

Oh, I'll call him.

D.P.O. CARACAPPA:

That's the one.

P.O. POSTAL:

Like Lynn. Lynn is a lovely lady. Really. And make him understand that we have had -- he has had a credibility problem with us, and we -- and we have given him the benefit of the doubt on this project, but this is going to be a project on which he can prove himself. So it's very important to all of us to see this move forward expeditiously in the interest of giving him the benefit of the doubt for future projects. That's all.

D.P.O. CARACAPPA:

Maxine, you're calling Charlie.

P.O. POSTAL:

Charlie and I have had a very strange relationship.

LEG. GULDI:

Don't put this on the record.

P.O. POSTAL:

But I will, I will.

D.P.O. CARACAPPA:

Okay. There's a motion to table, there was a second by myself. I'm going to withdraw the second.

LEG. FOLEY:

Thank you.

D.P.O. CARACAPPA:

There's a motion to approve and a second.

LEG. GULDI:

Roll call.

D.P.O. CARACAPPA:

Roll call.

LEG. CRECCA:

We have a motion to approve?

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

What were they?

D.P.O. CARACAPPA:

Motion by Legislator Foley, second by Legislator --

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

-- Lindsay. Go ahead, roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yeah.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

(Not Present)

LEG. VILORIA-FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. GULDI:

Yeah.

LEG. CARACCILO:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

Fields (Not Present). 15.

LEG. FOLEY:

Thank you.

D.P.O. CARACAPPA:

Before we go any further, I just -- I'm going to say, in the next couple of weeks, I'm going to be laying on the table an appropriations bill to reconstitute a pay-as-you-go, so that we can handle most of the projects that we've been declining through surplus sales tax dollars for this year. And I urge all of you who have considerations and desires to get these things moving and funded to support that appropriations bill when it comes out.

LEG. BISHOP:

For fund balance?

D.P.O. CARACAPPA:

Well, some of it's going to go to deal with -- well, I'm going to try anyway, pay-as-you-go for the projects we haven't been able to deal with this year.

1704 - amending the (2003) Capital Budget and Program and appropriating funds in connection with the reconstruction of CR 97, Nicolls Road, Town of Brookhaven (CP 5512) (PIN 0756.60/61). This is a 12-voter.

LEG. FOLEY:

Motion.

D.P.O. CARACAPPA:

Motion by myself, second by Legislator Foley. Roll call.

MR. BARTON:

On the bond.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARACAPPA:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yep.

LEG. TONNA:

Yeah.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yeah.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

(Not Present)

LEG. LINDSAY:

Yes.

LEG. VILORIA-FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCILOLO:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

Fields (Not Present). 15, 1 no, 1 not present.

D.P.O. CARACAPPA:

Same motion, same second, same vote. **1705 - Amending the 2003 (Capital Budget and Program and appropriating funds in connection with the reconstruction of CR 57, Bay Shore Road, Town of Islip (CP 5523).**

LEG. CARPENTER:

Motion.

LEG. TONNA:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Carpenter, second by Legislator Tonna. This is a 12-voter. Roll call.

MR. BARTON:

On the bond.

(Roll Called by Mr. Barton, Clerk)

LEG. CARPENTER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARACAPPA:

Yep.

P.O. POSTAL:

Yes.

MR. BARTON:

15, 1 no, 1 not present. (Not Present: Leg. Fields)

D.P.O. CARACAPPA:

Same motion, same second, same vote. 1708.

LEG. GULDI:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Guldi, second by myself. All in favor? Opposed?

LEG. FOLEY:

This is a bond.

D.P.O. CARACAPPA:

Oh, this -- I skipped one.

MS. BURKHARDT:

1707.

LEG. VILORIA-FISHER:

1707.

LEG. GULDI:

1707.

D.P.O. CARACAPPA:

1707, excuse me, **(Amending the 2003 Capital Budget and Program and) appropriating funds in connection with the replacement of the bridge on CR 3 (North Road at St. Andrews Road, Town of Southampton).** Motion by Legislator Guldi, second by myself. Roll call. 12-voter.

LEG. TONNA:

On this.

D.P.O. CARACAPPA:

On the motion.

LEG. TONNA:

Saint Andrews Road, is that near Shinnecock?

LEG. GULDI:

Yes.

LEG. CARACCILO:

Yes.

LEG. TONNA:

All right. I might have to abstain, because I play there once in awhile.

LEG. GULDI:

Not anymore you don't.

D.P.O. CARACAPPA:

Not well, though.

LEG. O'LEARY:

Not well.

D.P.O. CARACAPPA:

Okay. Roll call.

MR. BARTON:

On the bond.

(Roll Called by Mr. Barton, Clerk)

LEG. GULDI:

Yes.

D.P.O. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yeah, absolutely.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. CARACCILOLO:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

16-1 on the bond.

D.P.O. CARACAPPA:

That's going to lead to the new casino. Same motion, same second, same vote. **1708 (Accepting a Clean Water/Clean Air Bond Act Grant from the New York State Department of Environmental Conservation and authorizing execution of agreements to accept that grant to improve Sewer District No. 6 - Kings Park).** Motion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

17.

D.P.O. CARACAPPA:

It's approved. **1717 - Permitting the Town of Brookhaven to purchase fuel from the County.**

LEG. VILORIA-FISHER:

Motion.

D.P.O. CARACAPPA:

I'll make the motion.

LEG. VILORIA-FISHER:

Oh, second.

D.P.O. CARACAPPA:

Second by Legislator Fisher. What the explanation is is the pumps at the Brookhaven Town Landfill, they use a card system. Their pumps are down and they won't be up for sometime. What they are asking to do is to pay for it themselves, to retrofit their trucks with our fuel monitoring system that we have in all our County cars and fuel at the County -- at DPW in Yaphank.

LEG. TONNA:

Is it revenue neutral?

D.P.O. CARACAPPA:

It's actually --

LEG. CRECCA:

We make money.

D.P.O. CARACAPPA:

They'll be making money.

LEG. CRECCA:

We're paying -- they're paying six percent on top of it.

D.P.O. CARACAPPA:

We get -- they're paying us six percent more for administrative fees on top of retrofitting their trucks with the O-rings in the gas tanks.

LEG. TONNA:

Great.

D.P.O. CARACAPPA:

So, when people get gas, it's logged in the computer when they got it, how much, and six percent on top of that. Legislator Fields.

LEG. FIELDS:

The problem that I'm hearing, I think, is that, right now, we're paying a lot more per gallon for fuel. So, if it's almost kind of a -- you know, where they're going to just pay six percent above, is it really going to be revenue neutral in that --

D.P.O. CARACAPPA:

What do you mean we're paying much more?

LEG. BISHOP:

We're paying six person above what --

LEG. FIELDS:

No. Now, right now, the cost of fuel --

D.P.O. CARACAPPA:

Six percent of whatever --

LEG. FIELDS:

-- right now, for us to buy fuel.

D.P.O. CARACAPPA:

Whatever it is on that current day, it's six percent administrative fee on what they use.

LEG. GULDI:

You're getting cost, plus a fee.

LEG. FIELDS:

So we'll absolutely be revenue neutral.

D.P.O. CARACAPPA:

Positive.

LEG. FOLEY:

Positive flow.

LEG. CARPENTER:

I have a question.

D.P.O. CARACAPPA:

They'll pay for the gas, whatever it is, and six percent on top of that.

LEG. CARPENTER:

I have a question.

D.P.O. CARACAPPA:

Legislator Carpenter.

LEG. CARPENTER:

Is that six percent -- how long is this going to go on for? Is it term specific?

D.P.O. CARACAPPA:

That I don't know. It's until they get their --

LEG. FOLEY:

I think it may depend whether there still is a Superintendent of Highways next year. I don't know.

D.P.O. CARACAPPA:

That's Waste Management. I would assume until they get their system operational.

LEG. CARPENTER:

Well, I mean, is the agreement for six months, a year, or indefinitely?

LEG. CRECCA:

I happen to have a copy of the agreement right here.

LEG. CARPENTER:

Okay, good. Then you could answer the question.

D.P.O. CARACAPPA:

Thank you, Andrew, because I don't know.

LEG. CARPENTER:

And the any other --

LEG. GULDI:

We're going to consolidate the Brookhaven DPW with the Legislature, so that they can run the same -- same person can run both.

LEG. CARPENTER:

The reason I'm asking that is that is the six percent --

LEG. CRECCA:

Ten years.

LEG. CARPENTER:

Ten years?

LEG. CRECCA:

That's what it says.

LEG. CARPENTER:

Oh, I don't know about that. Because is six percent enough to cover the cost of the additional wear and tear on the pumps? Because I have -- I had been talking to one of the mechanics, and it seems that the pumps are really not all they should be, and they go down quite often..

D.P.O. CARACAPPA:

You should see the Town pumps.

LEG. CRECCA:

Can I add something?

D.P.O. CARACAPPA:

They don't work.

LEG. CRECCA:

We can terminate --

LEG. CARPENTER:

Well, no. But I'm just saying that is six percent enough to cover the additional wear and tear? Where did we get that six percent figure?

LEG. CRECCA:

We can terminate the contract on 30 days written notice, if we don't believe it's in our best

interest, and so can they. So it's easily terminable, so --

D.P.O. CARACAPPA:

Legislator Binder.

LEG. CARACCIOLO:

Call the question.

LEG. FOLEY:

It's a unique opportunity where we have some oversight over the Town of Brookhaven. I think that's a great idea.

D.P.O. CARACAPPA:

Hire CAP.

LEG. TONNA:

Legislator Caracciolo, we can audit their gas records.

D.P.O. CARACAPPA:

We're almost done, Ladies and Gentlemen.

LEG. BINDER:

This isn't a question. It just brings to mind that we buy gas separately from the towns, and maybe somebody should be looking into cooperative buying, because we can change the amount we pay for gas, if all the gasoline that was bought from all the towns and the County were bought cooperatively, so we might be able to change the volume that we buy and --

D.P.O. CARACAPPA:

But you're talking about one pump at the landfill, not all the town facilities.

LEG. BINDER:

I understand, but if you think of all the towns and all of the gasoline that towns use and we use, we might be able to get a better price, it would seem to me. It might behoove us to look into cooperative buying.

P.O. POSTAL:

That's worth looking into.

D.P.O. CARACAPPA:

That's worth looking into, as the Presiding Officer just said, but right now, there's a tremendous need to make this happen, so that that landfill can basically keep operating. I've got to keep my Brookhaven taxes low somehow. Only the guys on this side got that.

LEG. GULDI:

Why are we discussing a fuel monopoly; is this a Republican concept? Is this national policy we're drifting into?

D.P.O. CARACAPPA:

There's a motion and a second. All in favor? Opposed? Abstentions?

LEG. CARACCIOLO:

Abstain. Abstain, Henry.

D.P.O. CARACAPPA:

Sense Resolution 54.

MR. BARTON:

16, 1 abstention.

D.P.O. CARACAPPA:

Memorializing resolution requesting State of New York to implement Leadership in Energy and Environment Design (LEED) (Program for future state construction project).

LEG. VILORIA-FISHER:

Motion.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Vilorio-Fisher, second by Legislator Foley. All in favor? Opposed? Abstention?

(Abstention Said in Unison by Legislators)

LEG. CRECCA:

Roll call. Well, do we need a roll call?

D.P.O. CARACAPPA:

Do we need a roll call? We have an abstention by Legislator O'Leary, Legislator Lindsay, Presiding Officer Postal, myself, Legislator Alden, Carpenter, Crecca, Binder.

MR. BARTON:

Nine.

D.P.O. CARACAPPA:

It fails. We have to do one more CN?

LEG. GULDI:

We have another sense on the regular agenda.

LEG. FOLEY:

Thanks, George.

D.P.O. CARACAPPA:

Okay. We have the other CN that we met in executive session on. This is **1776**.

LEG. GULDI:

Motion.

D.P.O. CARACAPPA:

This is authorizing a lease of premises --

LEG. FIELDS:

Second.

D.P.O. CARACAPPA:

-- for Suffolk County District Attorney. Motion by Legislator Guldi, second by Legislator Fields.

LEG. LINDSAY:

What is it?

MS. BURKHARDT:

This is the lease on the D.A.'s building we had in executive session.

D.P.O. CARACAPPA:

This is --

LEG. LINDSAY:

Oh, okay.

D.P.O. CARACAPPA:

Okay?

LEG. LINDSAY:

Okay.

LEG. CARACCILO:

Motion.

D.P.O. CARACAPPA:

The motion's been made.

LEG. FIELDS:

We already did that.

D.P.O. CARACAPPA:

The D.A.'s lease. No, we didn't. Oh, the motion's done. All in favor? Opposed? Abstentions?
It's approved.

MR. BARTON:

17.

D.P.O. CARACAPPA:

There's one last Sense.

LEG. CARACCIOLO:

I'm going to make a motion to table.

LEG. GULDI:

Second.

LEG. LINDSAY:

That a boy.

D.P.O. CARACAPPA:

Motion to table by Legislator Caracciolo on that final Sense, second by myself. All in favor?
Opposed? Abstentions?

Hold on. Hold on. Presiding Officer Postal has something to say.

P.O. POSTAL:

Are we finished?

MS. BURKHARDT:

We're not finished.

D.P.O. CARACAPPA:

Okay, late-starters. Motion to waive the rules and lay on the table 1774, going to ELAP; 1775, going to Ways and Means; 1777, going to Health; 1778, going to Public Works; 1779, going to

Ways and Means; 1780, going to Human Services; 1781, going to Ways and Means; Sense Number 60, going to ELAP. Motion by myself, seconded by Legislator Binder. All in favor? Opposed? Abstention? That's laid on the table. Presiding Officer Postal?

P.O. POSTAL:

I would just -- I would just like to take a moment and have you all just bear with me. I want to express my undying gratitude to Legislator Allan Binder. You know, Allan's had his ups and down here. He has -- that's the truth. He sometimes manages to get into confrontations with people. There are people here who have acted like his undying enemy. But Allan did something that was very important for me and I'll never forget it.

As you know, because you've been watching me and you've been seeing me get worse and worse and worse, I've been seeing a whole bunch of doctors. They've made their diagnoses. They've decided on the course of treatment, and I have gotten worse and worse and worse. Allan, at our last meeting, was so concerned at seeing the way I looked, and he's been very kind and supportive and helpful all along, but at that meeting, I think he was so, I don't know what, shocked that he gave me the name of the neurologist who treated Monet when she was seriously impaired a couple of years ago. I went to that -- he actually called the doctor and asked him to see me. It was late in the week and asked him if he could see me immediately, and the doctor stayed late and I went there, and I can't tell you what that did for me.

I mean, I had been getting worse and worse and worse. Treatment wasn't working. I have been going to a million doctors. Nobody can find out what's wrong with me. But Allan sent me to somebody. And, you know, we all, I guess, have our personal reactions to doctors. Some of us -- one of us may love a doctor and the other one hate him, but I went to see the doctor and he told me that the diagnosis that I've been working with ever since January was wrong, and I believed it was wrong, too. It didn't make any sense to me. So he has me pursuing a different course of treatment. I have great optimism and great hope with this doctor.

Allan also went beyond that to call the doctor and ask him to see me as soon as possible, even if it was at a time that he wouldn't normally see patients. I went to see him and I have renewed hope. I was, very, very impressed. He told me the diagnosis we've been working on all this time is absolutely wrong, there's no way I could have had a concussion, which is discouraging and encouraging at the same time.

I just want to say, as a conclusion, that I want to thank Allan. Allan, I will never forget what you've done for me. In the best traditions of Judaism, a mitzvah is truly a mitzvah if nobody knows about it, and you didn't do it so people would praise you. But, again, it meant more to me than I can say, because I was becoming very discouraged, as you could imagine. And I just want to tell you how gratefully I am and will always be to you, and will always be willing to do anything I can do for you, except to give you a vote on a resolution I don't agree with. So thank you.

(Applause)

Meeting a adjourned.

[THE MEETING WAS ADJOURNED AT 5:40 P.M.]

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